

AN ACT

D.C. ACT 15-579

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

To authorize, on an emergency basis, the award of Contract No. CFSA-04-C-0054 and payment for community-based child welfare services in Ward 5 already received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CFSA-04-C-0054 Approval and Payment Authorization Emergency Act of 2004".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-2301.05(a), Contract No. CFSA-04-C-0054 for community-based child welfare services in Ward 5 is hereby approved and payment is authorized for services rendered under the contract, and for services to be rendered under the contract, in the amount of \$1,627,983.00, the total amount owed and to be owed for services under the contract.

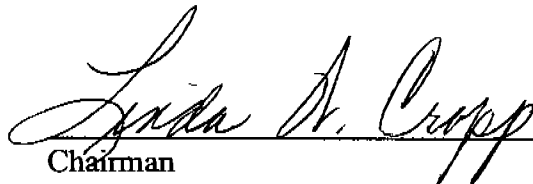
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

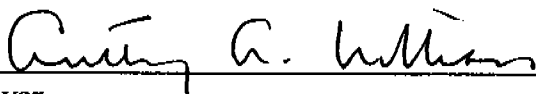
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

A handwritten signature in cursive script, reading "Linda A. Cropp", written over a horizontal line.

Chairman
Council of the District of Columbia

A handwritten signature in cursive script, reading "Anthony A. Williams", written over a horizontal line.

Mayor
District of Columbia
APPROVED
November 1, 2004

AN ACT

D.C. ACT 15-580

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

To authorize, on an emergency basis, the award of Contract No. CFSA-04-C-0181 and payment for therapeutic foster care services already received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CFSA-04-C-0181 Approval and Payment Authorization Emergency Act of 2004".

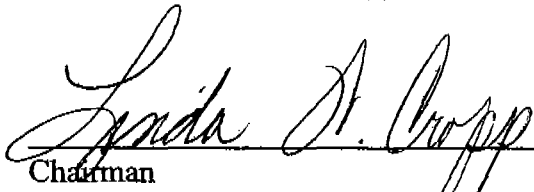
Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-2301.05(a), Contract No. CFSA-04-C-0181 for therapeutic foster care services is hereby approved and payment is authorized for services rendered under the contract in the amount of \$1,860,081.30, the total amount owed for services under the contract.


Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 1, 2004

AN ACT

D.C. ACT 15-581

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

To authorize, on an emergency basis, the award of Contract No. CFSA-04-C-0055 and payment for community-based child welfare services in Ward 8 already received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CFSA-04-C-0055 Approval and Payment Authorization Emergency Act of 2004".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-2301.05(a), Contract No. CFSA-04-C-0055 for community-based child welfare services in Ward 8 is hereby approved and payment is authorized for services rendered under the contract, and for services to be rendered under the contract, in the amount of \$1,620,168.00, the total amount owed and to be owed for services under the contract.

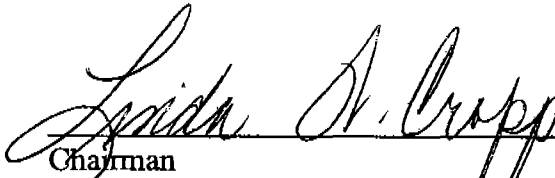
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

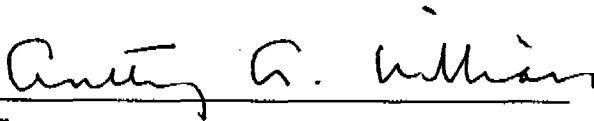
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

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Chairman
Council of the District of Columbia

A handwritten signature in cursive script, reading "Anthony A. Williams", written over a horizontal line.

Mayor
District of Columbia
APPROVED
November 1, 2004

AN ACT
D.C. ACT 15-582

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

To authorize, on an emergency basis, the award of Contract No. CFSA-04-C-0059 and payment for community-based child welfare services in Ward 7 already received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CFSA-04-C-0059 Approval and Payment Authorization Emergency Act of 2004".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-2301.05(a), Contract No. CFSA-04-C-0059 for community-based child welfare services in Ward 7 is hereby approved and payment is authorized for services rendered under the contract, and for services to be rendered under the contract, in the amount of \$1,193,361.00, the total amount owed and to be owed for services under the contract.

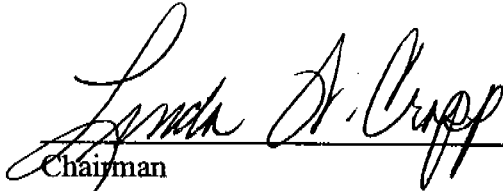
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

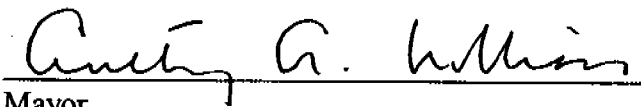
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

AN ACT

D.C. ACT 15-583

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

To authorize, on an emergency basis, the award of Contract No. CFSA-04-C-0053 and payment for community-based child welfare services in the Columbia Heights and Shaw neighborhoods already received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CFSA-04-C-0053 Approval and Payment Authorization Emergency Act of 2004".

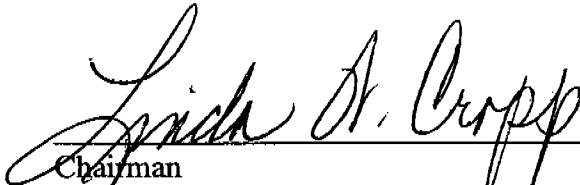
Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-2301.05(a), Contract No. CFSA-04-C-0053 for community-based child welfare services in the Columbia Heights and Shaw neighborhoods is hereby approved and payment is authorized for services rendered under the contract, and for services to be rendered under the contract, in the amount of \$1,687,638.70, the total amount owed and to be owed for services under the contract.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-584

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2004

To amend, on an emergency basis, due to Congressional review, the District of Columbia Unemployment Compensation Act to reduce pension offsets.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Pension Offset Reduction Congressional Review Emergency Amendment Act of 2004".

Sec. 2. Section 7(c)(2) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat 949; D.C. Official Code § 51-107(c)(2)), is amended by striking the sentence "For any week beginning after March 31, 1980, benefits payable for any week to an individual who has applied for or is receiving a retirement pension or annuity under a public or private retirement plan, including any such sum provided under title II of the Social Security Act, shall, under regulations prescribed by the Board, be reduced (but not below zero) by the prorated weekly amount of such retirement pension or annuity which is reasonably attributable to such week." and inserting the sentence "For benefit years beginning on or after July 1, 2004, benefits payable to an individual who applied for or is receiving a retirement pension or annuity under a public or private retirement plan or system provided or contributed to by any base period employer shall, under duly prescribed regulations, be reduced (but not below zero) by the prorated weekly amount of such retirement pension or annuity which is reasonably attributable to such week, provided that the claimant has not made contributions to the pension or annuity." in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer for the Unemployment Compensation Pension Offset Reduction Temporary Amendment Act of 2004, passed on 2nd reading on September 21, 2004 (Enrolled version of Bill 15-937), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

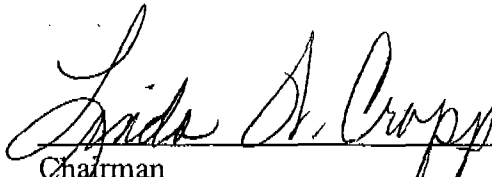
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Sec. 4. Applicability.


This act shall apply as of September 29, 2004.

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 26, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-585

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

To authorize, on an emergency basis, the appropriation of \$7.241 million from the funds distributed to the District of Columbia pursuant to section 903(d) of the Social Security Act to improve the administration of the Unemployment Compensation Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Additional Funds Appropriation Authorization Emergency Act of 2004".

Sec. 2. From the funds distributed to the District of Columbia account in the Unemployment Compensation Trust Fund, pursuant to section 903(d) of the Social Security Act, approved August 5, 1954 (68 Stat. 670; 42 U.S.C. § 1103(d)), there is further authorized to be appropriated \$7.241 million to be used for the following administrative purposes:

(1) Installation of a security application portal that will allow for one password to work on all DOES systems;

(2) Conversion of the Automated Benefit System from the present mainframe platform to a Web-based environment which offers greater flexibility in service;

(3) Installation of the Benefit Audit, Recovery and Tracking System which will support the auditing of Unemployment Compensation benefit payments to verify that payments were made accurately, will identify improperly paid claims and facilitate recapture of overpaid benefits;

(4) Install Unemployment Insurance ("UI") systems for the Educational Stepladder program as required by the Fiscal Year 2005 Budget Support Act of 2004 signed by the Mayor on August 2, 2004 (D.C. Act 15-487; 51 DCR 8441) and the Fiscal Year 2005 Budget Support Emergency Act of 2004, effective August 2, 2004 (D.C. Act 15-486; 51 DCR 8236).

(5) Provide UI customers not enrolled in direct deposit program debit cards to access benefits;

(6) Provide residents with access to thousands of untapped job listings by "spydering" association and corporate web pages;

ENROLLED ORIGINAL

(7) Provide for the exchange of data via a common database between the Web-Enabled Benefits Services benefit payment system and the Virtual One-Stop re-employment services;

(8) Install an automated customer service UI Help Desk;

(9) Change the Unemployment Compensation Benefit and Tax Systems Mainframe programming language from COBOL II to COBOL 390 as mandated by the Office of the Chief Technology Officer;

(10) Provide for changes to the automated tax system that are required by recently enacted federal legislation to detect and prevent State Unemployment Tax dumping, a manipulation by employers to inappropriately lower their UI tax rate;

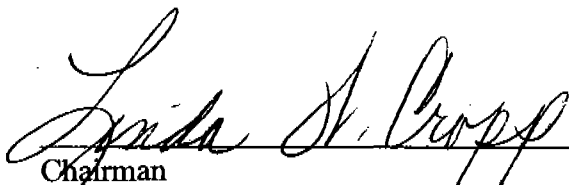
(11) To provide for the support of the Information Technology Support Center in Remote System Development.


Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 1, 2004

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT**

ENROLLED ORIGINAL

Bill Number:	Type: Emergency (x) Temporary () Permanent () Amendment ()	Date Reported: 10/05/04
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Subject/Short Title: The "Unemployment Compensation Additional Funds Appropriation Authorization Emergency Act of 2004"

FISCAL SUMMARY OF THE FISCAL IMPACT OF THE BILL		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	(x)
Explanation: The money authorized by this legislation is federal money earmarked for upgrading DOES's Unemployment Compensation system.		

PART II: Other Impact of the Bill		
	YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
1. It will affect an agency and/or agencies in the District. The Department of Employment Services	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? If this legislation is not passed, the money will not be available to be spent until the permanent bill authorizing it goes into effect – delaying a necessary upgrade to the Unemployment Compensation system.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	()

Sources of information: Department of Employment Services	Councilmember David Catania
	Staff Person & Tel: Shaun Snyder (202) 724-7772
	Council Budget Director's Signature: <i>Am P. O. A.</i> <i>9/22/04</i>

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-586

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.West Group
Publisher

To establish, on an emergency basis, the Anacostia Waterfront Corporation as a corporate body and independent instrumentality of the District government responsible for the development, redevelopment, and revitalization of the lands adjacent to the Anacostia River and associated waterways and for the environmental restoration of the Anacostia River and associated waterways; to clarify the authority of the Corporation relating to federal matters; to amend the National Capital Corporation Act of 1998 to specify the distribution of income between the National Revitalization Capital Corporation, the RLA Revitalization Corporation, and the District; and to amend the Confirmation Act of 1978 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anacostia Waterfront Corporation Emergency Act of 2004".

TITLE I. ANACOSTIA WATERFRONT CORPORATION
SUBTITLE A. DEFINITIONS.

Sec. 101. Definitions.

For the purposes of this title, the term:

(1)(A) "Anacostia Waterfront" means:

- (i) Interstate 395 and all rights of way of Interstate 395, except for the portion of Interstate 95 that is north of E Street, N.W. or N.E.;
- (ii) All land between the portion of Interstate 395 that is south of E Street, N.W., or N.E., and the Washington Channel;
- (iii) All land between the portion of Interstate 395 that is south of E Street, N.W. or N.E., and the Anacostia River;
- (iv) The portion of Interstate 295 that is north of the Anacostia River and all rights of way of that portion of Interstate 295;
- (v) All land between the portion of Interstate 295 that is north of the Anacostia River and the Anacostia River;
- (vi) The portion of the Anacostia Freeway that is north or east of the intersection of the Anacostia Freeway and Defense Boulevard and all rights of way of that portion of the Anacostia Freeway;

ENROLLED ORIGINAL

(vii) All land between the portion of the Anacostia Freeway described in sub-subparagraph (vi) of this subparagraph and the Anacostia River;

(viii) All land that is adjacent to the Anacostia River, and designated as parks, recreation, and open space on the District of Columbia Generalized Land Use Map dated January 2002, except for land that is:

(I) North of New York Avenue, N.E.;

(II) East of the Anacostia Freeway;

(III) Contiguous to the portion of the Suitland Parkway that is south of Martin Luther King Jr. Avenue;

(IV) South of a line drawn along, and as a continuation both east and west of, the center line of the portion of Defense Boulevard between Brookley Avenue, S.W., and Mitscher Road, S.W.;

(ix) All land but excluding Eastern High School, that is:

(I) Adjacent to the land described in sub-subparagraph (viii) of this subparagraph;

(II) West of the Anacostia River; and

(III) Designated as a local public facility on the District of Columbia Generalized Land Use Map;

(x) All land that is:

(I) South or east of the portion of Potomac Avenue, S.E., between I-295 and 19th Street, S.E.; and

(II) West or north of the Anacostia River;

(xi) The portion of the Anacostia River within the District; and

(xiii) The Washington Channel.

(B) For the purposes of advocacy, technical assistance, and liaison with the federal government only, the term "Anacostia Waterfront" also means the area bounded by the Potomac River to the south; the Key Bridge to the west; the northern edge of the northern sidewalk of Water Street, N.W., to the north; and the eastern edge of the eastern sidewalk of Wisconsin Avenue, N.W., to the east.

(C) Nothing within the meaning of the term "Anacostia Waterfront" shall authorize the Corporation to take any action affecting federal functions or property unless the federal government has authorized the Corporation to take that action.

(2) "Board" means the Board of Directors of the Corporation.

(3) "Bonds" means revenue bonds, refunding bonds, notes, or other obligations that may be issued by the Corporation under the provisions of this title.

(4) "Chair" means the Chair of the Board.

(5) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(6) "Code" means the Internal Revenue Code of 1986 and any successor thereto.

(7) "Corporation" means the Anacostia Waterfront Corporation.

ENROLLED ORIGINAL

(8) "Development costs" means all costs and expenses incurred in the purchase, acquisition, protection, financing, construction, expansion, reconstruction, restoration, rehabilitation, repair, interpretation, furnishing, equipping, and operation of an eligible project, including:

(A) The purchase or lease of land, structures, real property, personal property, rights, rights-of-way, roads, franchises, easements, and interests that are acquired or used for or in connection with an eligible project;

(B) The costs and expenses of demolishing or removing buildings or structures in connection with an eligible project;

(C) The costs and expenses of acquiring lands to which buildings or structures may be moved or relocated in connection with an eligible project;

(D) Utility lines, structures for the delivery of utilities, and equipment charges;

(E) Interest costs and expenses incurred before and during construction of an eligible project;

(F) Interest costs and expenses incurred during the operation of an eligible project;

(G) Reserves for principal and interest for extensions, enlargements, additions, improvements, and extraordinary repairs and replacements;

(H) Architectural, engineering, design, consulting, financial, and legal services;

(I) Fees for letters of credit, bond insurance, debt service reserve insurance, surety bonds, or similar credit or liquidity enhancement instruments;

(J) Costs and expenses of studies, plans, surveys, analyses, and estimates of expenses and revenues in connection with an eligible project;

(K) Costs and expenses of issuing bonds;

(L) Costs and expenses of determining the feasibility and fiscal impact of financing the acquisition, construction, or development of an eligible project;

(M) Initial working capital;

(N) Proper allowance for contingencies; and

(O) Other forms of assistance.

(9) "District government" means the government of the District of Columbia.

(10) "Eligible project" means a project within the Anacostia Waterfront that furthers the purposes of this title and is eligible for assistance under this title.

(11) "Enhanced services" means, with respect to an area within the District, services of a generally public nature, including the capital costs and operating expenses related to the services, supplementing or in addition to those normally performed or provided by the District government within or benefiting the area. The term "enhanced services" includes:

(A) Public safety and personal security;

(B) Fire protection;

ENROLLED ORIGINAL

- (C) Waste and trash removal;
 - (D) Lighting of public rights-of-way and grounds;
 - (E) Public transportation;
 - (F) Cleaning and clearing of streets, sidewalks, and public grounds;
 - (G) Cleaning, painting, repairing, and replacing of public signs, street and park furniture, fountains, rest areas and rest rooms, kiosks, waste receptacles, barriers, and lighting fixtures;
 - (H) Repairing, replacing, and marking curbs, gutters, pedestrian ramps, walkways, and parking areas;
 - (I) Traffic control;
 - (J) Developing standards and designs for, and assistance with, streetscape and storefront improvements; and
 - (K) Designing, specifying, installing, planting, removing, maintaining, and replacing landscaping.
- (12) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

SUBTITLE B. ESTABLISHMENT OF ANACOSTIA WATERFRONT CORPORATION; PURPOSES; GENERAL POWERS.

Sec. 102. Establishment of the Corporation; purposes.

- (a) The Anacostia Waterfront Corporation is established as a corporate body and independent instrumentality of the District to effectuate public purposes provided for in this title, but with a legal existence separate from that of the District government.
- (b) The general purposes of the Corporation are to:
 - (1) Develop, redevelop, and revitalize the Anacostia Waterfront;
 - (2) Induce, assist, and facilitate efforts to improve the environmental integrity of waterways within the Anacostia Waterfront;
 - (3) Promote and advocate for the development, redevelopment, and revitalization of the Anacostia Waterfront;
 - (4) Aggregate resources for the development, redevelopment, and revitalization of the Anacostia Waterfront;
 - (5) Induce, assist, facilitate, and coordinate public and private investment in the development, redevelopment, and revitalization of the Anacostia Waterfront;
 - (6) Represent the District before all federal, regional, state, and District bodies, both public and private, on matters related to the Anacostia Waterfront; and
 - (7) Implement, induce, assist, facilitate, and coordinate implementation of the Anacostia Waterfront Framework Plan and small area plans within the Anacostia Waterfront.

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Sec. 103. Waterfront Framework Plan; consistency with other plans.

(a)(1) The Corporation shall be guided by the Anacostia Waterfront Framework Plan, dated November 2003, as amended or supplemented ("Framework Plan").

(2) The Corporation may amend or supplement the Framework Plan; provided, that a proposed amendment or supplement shall be:

(A) Made available by the Corporation to the public for a 30-day period of public review and comment;

(B) Submitted to the Council for 45-day period of review, excluding Saturdays, Sundays, legal, holidays, and days of Council recess. If the Council does not approve the proposed resolution within the 45-day period, the proposed resolution and the proposed amendment or supplement to the Framework Plan shall be deemed disapproved.

(b) In implementing the Framework Plan, the Corporation shall:

(1) Work to achieve a fair and equitable balance in bringing benefits to and locating projects within all parts of the Anacostia Waterfront;

(2) Ensure that a substantial investment is made in the revitalization of the portion of the Anacostia Waterfront which is east of the Anacostia River; and

(3) Work to provide for the investment of tax increments and other financial benefits from the development, redevelopment, and revitalization of the Anacostia Waterfront in neighborhoods east of the Anacostia River.

(c) The Corporation shall act in a manner consistent with the Framework Plan and any small area plan approved by the Council for an area within the Anacostia Waterfront, and not inconsistent with the Comprehensive Plan of the District.

Sec. 104. General powers of the Corporation.

(a) Notwithstanding any other provision of District law, the Corporation shall have the power to:

(1) Have succession until dissolved as provided in section 132;

(2) Sue and be sued, and complain and defend in its own name;

(3) Adopt, amend, and repeal bylaws, rules, procedures, and regulations as it determines appropriate for the governance and administration of its affairs and the conduct of its business;

(4) Establish subsidiary corporations in accordance with section 113 and consistent with the purposes of this title;

(5) Adopt, alter, and use a corporate seal which shall be judicially noticed; provided, that the absence of the seal on any contract or other document shall not affect its validity;

(6) Maintain offices at the place or places in the District it determines appropriate;

(7) Cooperate with any federal or District governmental or quasi-governmental authority;

(8) Act as agent of the District government to undertake development or

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redevelopment of the Anacostia Waterfront, including matters affecting federal property or functions where authorized by the federal government;

(8A) Present requests to the federal government for federal land and other assistance, and enter into agreements with the federal government necessary for the development and redevelopment of the Anacostia Waterfront;

(9) Take all actions, including contracting to facilitate the furnishing, planning, replanning, constructing, installing, opening or closing of streets, roads, alleys, sidewalks, or other places or facilities within the Anacostia Waterfront;

(10) Take all actions to facilitate the acquisition of property options or property rights or to furnish property or services in connection with an eligible project;

(11) Take all actions to facilitate the provision and maintenance of parks, recreational centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with an eligible project, including contracting with the District or federal government;

(12) Facilitate the planning, re-planning, zoning, or rezoning by the District government of an area within the Anacostia Waterfront;

(13) Assemble, purchase, obtain options on, or acquire by gift, grant, bequest, devise or otherwise, any real or personal property or any interest in real or personal property from any person, firm, authority, municipality or government;

(14) Pursuant to the provisions of this title, acquire by eminent domain real property within the Anacostia Waterfront;

(15) Own, hold, clear, improve, redevelop, rehabilitate, alter, and manage real property within the Anacostia Waterfront;

(16) Pursuant to the provisions of this title, sell, lease or otherwise transfer any real property included as a part of an eligible project;

(17) Procure insurance or guarantees of the payment of any debts or parts of the debts incurred by the Corporation, and pay premiums in connection therewith;

(18) Borrow from private lenders, the District or federal government, or any other person funds necessary for the operation of the Corporation;

(19) Invest funds held in reserves or sinking funds or any funds not required for immediate disbursement in such investments as may be lawful for executors, administrators, guardians, trustees, and other fiduciaries;

(20) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Corporation;

(21) Consistent with the provisions of this title, hire employees necessary or desirable to fulfill the purposes of the Corporation and fix and adjust their compensation;

(22) Consistent with the provisions of this title, contract with the District or federal government for the services of either of their employees;

(23) Engage experts, including advisers, consultants, legal counsel, accountants, general agents, and fiscal agents to aid the Corporation in carrying out the purposes of this title, and fix and adjust their compensation;

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(24) Receive grants, appropriations, pledged revenues, or other funds from the District or federal government or instrumentality thereof;

(25) Pursuant to the provisions of this title, make, directly or indirectly, secured or unsecured loans to any purchaser or owner of an eligible project to finance the purchase, construction, rehabilitation, demolition or equipping of an eligible project;

(26) Pursuant to the provisions of this title, make loans to or deposits with any financial institution, with or without requiring collateral security, to enable the financial institution to finance the acquisition, construction, rehabilitation, or equipping of an eligible project; receive interest on deposits with the financial institution; purchase and hold notes or other obligations secured by mortgages, deeds of trust, or security interests in eligible projects or property used as additional security; sell, assign, pledge, or encumber any security, including mortgages or other security agreements held by, granted, or received for the financing of eligible projects; and grant the security, or any rights or remedies related to the security, to any trustee;

(27) Charge and collect fees or charges determined by the Corporation to be appropriate in connection with assistance and enhanced services provided by the Corporation;

(28) Pursuant to the provisions of this title, issue bonds and secure their payment or any part thereof by pledge, mortgage, or deed of trust of all or any part of the property, revenues, or receipts of the Corporation; make agreements with the purchasers or holders of the bonds or others in connection with the bonds, whether issued or to be issued; provide for the security of the bonds by mortgage, pledge or otherwise; and provide for the security of the rights of bond holders;

(29) Settle, adjust, and compromise, and with or without consideration or benefit to the Corporation, release or waive in whole or in part, in advance or otherwise, any claim, demand, or right of, by, or against the Corporation;

(30) Indemnify or insure Board members and officers of the Corporation as it determines appropriate;

(31) Reimburse the reasonable removal expenses of any persons who have been displaced as a result of any other government activities related to the development or redevelopment of an eligible project or any activities of the Corporation in accordance with section 209 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, effective January 2, 1971 (84 Stat. 1899; D.C. Official Code § 6-333.01);

(32) Purchase insurance or self-insure against any loss in connection with its property, other assets, or other risks in amounts from insurers as it deems appropriate;

(33) Establish advisory committees or working groups of Board members, professionals, and citizens to aid the Corporation in carrying out the purposes of this title;

(34) Solicit, apply for, accept, receive, hold, administer, use, and dispose of gifts, bequests, donations, grants, trusts, or subsidies of money, services, or property (real, personal, or mixed) from any source to aid the Corporation in carrying out the purposes of this title;

(35) Provide assistance to the District government through information, advice,

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guidelines, and suggestions for implementing, reorganizing, realigning, or improving programs and services of the District government;

(36) Prepare, publish, and distribute, with or without charge, studies, plans, reports, bulletins, manuals, maps, data, solicitations, promotional products, management software, and other materials relating to the development or redevelopment of an eligible project;

(37) Form or join associations, partnerships, or joint ventures;

(38) Provide enhanced services in connection with eligible projects;

(39) Provide, by vote of the Board, grants or other assistance for the development costs of eligible projects, directly or in participation with any applicant, financial institution, fund, person, or other private or public source of financing, and enter into any contract, agreement, or commitment of assistance that the Board determines appropriate;

(40) Take all actions and do all things necessary or convenient to carry out the functions of the Corporation that are not inconsistent with applicable federal or District laws; and

(41) Exercise any other power usually possessed by, and incident to, public enterprises performing similar functions or private business organizations organized under the business laws of the District, respectively, to the extent that the exercise of such powers is not inconsistent with applicable federal or District law or the purposes of this title.

(b) The powers conferred by this title are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised. The granting of such powers is necessary and in the public interest.

(c) None of the powers granted under this act shall authorize the Corporation to take any action affecting federal functions or property unless the federal government has authorized the Corporation to take that action.

SUBTITLE C. BOARD OF DIRECTORS; OFFICERS AND EMPLOYEES.

Sec. 105. Board of Directors — establishment; powers; membership; terms; delegation; compensation.

(a) The powers of the Corporation shall be vested in a Board of Directors which shall consist of the following 9 voting members, and may include 4 nonvoting members to be selected as follows:

(1)(A) Seven public citizen voting Board members appointed by the Mayor with the advice and consent of the Council, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §1-523.01). The nomination of each public citizen Board member shall be submitted to the Council for a 60-day period of review, excluding days of Council recess. If the Council does not approve the nomination by resolution within this 60-day review period, the nomination shall be deemed disapproved.

(B) Each public citizen Board member shall be an individual who:

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(i) Has demonstrated knowledge of, and competence in, business or entrepreneurial development, labor issues, environmental issues, commercial or residential development, real estate finance or management, community-based redevelopment policies or activities, public management or administration, personnel or procurement administration, municipal finance or law, banking, or finance;

(ii) Is not an officer or employee of the federal government or the District government; and

(iii) Maintains a primary residence in the District throughout the term of the member's incumbency on the Board.

(C) One public citizen Board member shall be selected from the members of the Board of Directors of the National Capital Revitalization Corporation ("NCRC"). A member appointed under this subparagraph shall serve on the Board only during the member's incumbency on the Board of the NCRC.

(D) At least 2 public citizen Board members shall be persons who reside east of the Anacostia River.

(2) Two ex-officio voting Board members who shall be:

(A) The Mayor, or a designee of the Mayor, who shall be a District resident; and

(B) The Chief Financial Officer, or a designee of the Chief Financial Officer, who shall be a District resident; and

(3) The following 4 ex-officio nonvoting Board members who shall be invited to serve at their sole discretion:

(A) The Chairman of the National Capital Planning Commission, or a designee of the Chairman;

(B) The Secretary of the United States Department of the Interior, or a designee of the Secretary;

(C) The Administrator of the United States General Services Administration, or a designee of the Administrator; and

(D) The Secretary of the United States Department of Defense, or a designee of the Secretary.

(b) Board members shall serve their terms in office as follows:

(1) Each public citizen Board member shall be appointed to a term of 5 years, except that the terms of the first 5 public citizen Board members shall be staggered so that the terms of 2 members expire 5 years after the date of appointment, the term of one member expires 4 years after the date of appointment, and the term of 2 other members expire 3 years after the date of appointment.

(2) The ex-officio Board members shall serve by virtue of their incumbency in their government offices.

(3) A public citizen Board member appointed to fill a vacancy occurring before the end of the term to which that member's predecessor was appointed shall be appointed only for the remainder of the term.

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(4) Any public citizen Board member may resign by filing a notice of resignation with the Corporation.

(5) When necessary, the Mayor shall remove a public citizen Board member for inefficiency, neglect of duty, malfeasance in office, or conduct bringing disrespect to or impugning the character of the Board or the Corporation.

(c) The Mayor may reappoint a public citizen Board member.

(d) A vacancy on the Board shall be filled in the same manner in which the original appointment was made.

(e) No public citizen Board member may delegate his or her duties to any other person.

(f) Board members shall serve without compensation for their membership and may receive travel, per diem, and other actual, reasonable, and necessary expenses incurred in the performance of their official duties as Board members to the same extent as employees of the District government classified at a grade 15, step 1 of the District Services ("DS") Salary Schedule for Non-Union Employees. No Board member shall receive more than \$10,000 in any calendar year.

Sec. 106. Board of Directors — officers; bylaws and procedures.

(a) The Board shall elect a Chair from among its voting members; provided, that the Mayor shall appoint the initial Chair and the appointment shall be subject to the review and approval of the Council by resolution. The Chair shall serve for a term of 2 years from the date of election or appointment and preside over all meetings of the Board.

(b) The Board shall elect a Vice Chair from among its voting members. The Vice Chair shall serve for a term of 2 years from the date of election and preside over meetings of the Board in the absence of the Chair.

(c) The Board may elect or the Chair may appoint other officers of the Board as the Board determines appropriate. The officers shall be District residents. The officers shall have duties, not inconsistent with this title, as provided in the bylaws of the Corporation or as otherwise determined by the Board.

(e) As soon as practicable after appointment or designation of a majority of its members, the Board shall adopt bylaws to govern its affairs and the conduct of its business.

Sec. 107. Board of Directors — quorum; meetings.

(a) A majority of voting Board members designated or appointed under section 105 shall constitute a quorum for the conduct of business; provided, that a quorum shall consist of not less than 4 of these voting Board members.

(b) The Board shall meet at the times specified in its bylaws, which shall not be less than quarterly each year, and at other times at the call of the Chair or as provided in the bylaws.

(c) All meetings of the Board at which official action is to be taken shall be open to the public; except, the Board may close a meeting to the public when the Board is discussing:

(1) Personnel matters;

(2) Communications with legal counsel or attorney work-product;

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- (3) Transactions currently in negotiation;
 - (4) Agreements containing confidentiality requirements;
 - (5) Pending litigation;
 - (6) Pending matters involving formal proceedings for enforcement of the Board's bylaws, rules, or regulations; or
 - (7) Information the disclosure of which may constitute a violation of law.
- (d)(1) Minutes shall be recorded, and subject to paragraph (3) of this subsection, shall be made reasonably available for examination by Board members, members of the Council, and members of the public at convenient hours on business days that shall be set and announced for general knowledge.
- (2) Upon request, a Board member or member of the Council shall, subject to paragraph (3) of this subsection, be provided a copy of the books, records, or minutes of the Board.
- (3) The Board may withhold from examination or copying by a Board member or any other person books, records, and minutes regarding:
- (A) Personnel matters;
 - (B) Communications with legal counsel or attorney work-product;
 - (C) Transactions currently in negotiation;
 - (D) Agreements containing confidentiality requirements;
 - (E) Pending litigation;
 - (F) Pending matters involving formal proceedings for enforcement of the Board's bylaws, rules, or regulations; or
 - (G) Information the disclosure of which may constitute a violation of law.

Sec. 108. Officers and employees; personnel system; compensation; benefits.

(a) The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*) shall not apply to employees of the Corporation, except as otherwise provided in this title.

(b)(1) The Corporation shall establish for all employees, including the chief executive officer and all other officers, a personnel system and adopt written rules and procedures relating to employment matters including appointments, compensation, leave, workers' compensation, employee education and training, promotions, retirement, voluntary and involuntary separations, and other adverse actions. This personnel system and these written rules and procedures shall be submitted to the Council as a proposed resolution for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve the proposed resolution within the 45-day period, it shall be deemed disapproved.

(2) Once the Council has approved the personnel system with its written rules and procedures, any compensation for the chief executive officer or other officer or employee of the Corporation that exceeds the compensation range for salary, benefits, and retirement

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established in the Corporation's personnel system shall be submitted to the Council as a proposed resolution for a 45-day period of review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve the proposed resolution within the 45-day period, it shall be deemed disapproved.

(c)(1) The Board shall fix, adjust, and administer the compensation and benefits of the chief executive officer; provided, that the Mayor may fix, adjust, and administer the initial compensation and benefits of the initial chief executive officer. The Board may terminate the employment of the chief executive officer, including the initial chief executive officer.

(2) The Board may fix, adjust, and administer the compensation and benefits for the chief financial officer, the general counsel, or other officer of the Corporation or may delegate to the chief executive officer the authority to fix, adjust, and administer the compensation and benefits for the chief financial officer, the general counsel, or other officer of the Corporation.

(3) Except as provided in paragraphs (1) and (2) of this subsection, the chief executive officer shall fix, adjust, and administer the compensation and benefits for all officers and employees of the Corporation.

(d) The Corporation is authorized to establish and administer its own employment benefits programs for individuals who become employed by the Corporation other than individuals who make an election under subsection (e) of this section.

(e) Each employee of the District government with accrued and vested benefits under health, life, and retirement benefit plans of the District government pursuant to titles XXI, XXII, and XXVI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-621.01-1.621.15, 1-622.01-1.622.14 and 1-626.01-1.626.14), who becomes and remains continuously employed by the Corporation may elect to be treated, for the purposes of these District benefit programs, as if the employee had remained continuously in the employ of the District government with all attendant rights, benefits, and privileges that have accrued to and vested in the employee. Any employee whose employment with the District government is restored, shall be entitled to have that employee's service with the Corporation treated, for purposes of determining the applicable leave accrual rate and other benefits, as if the service with the Corporation had been with the District government.

(f) An election made under subsection (e) of this section shall not be effective unless it is made before the employee separates from prior service with the District government, and the employee's service with the Corporation commences within 30-calendar days after so separating (not counting any holiday observed by the District government). If an employee makes an election, the Corporation shall make the same deductions from pay and the same employer contributions for the corresponding programs as would be made if the Corporation were the agency of the District government that employed the employee.

(g) Any regulations necessary to carry out the provisions of subsections (e) and (f) of this section may be promulgated by the Mayor.

(h) No political test or qualification shall be used in selecting, appointing, assigning,

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promoting, or taking other personnel actions with respect to officers and employees of the Corporation.

Sec. 109. Chief executive officer; additional officers.

(a)(1) Except as provided in paragraph (2) of this subsection, the Board shall appoint a chief executive officer, who shall direct and supervise the general management and administrative affairs of the Corporation under terms and conditions prescribed by the Board.

(2) Prior to the appointment of the initial Board members, the Mayor may appoint the initial chief executive officer; provided, that the Mayor shall submit to the Council a proposed resolution to approve the appointment and the compensation and including benefits of a chief executive officer appointed under this paragraph. If the Council does not approve or disapprove the proposed resolution within 60 days, excluding days of Council recess, the proposed resolution shall be deemed disapproved.

(3) The chief executive officer shall be a resident of the District or shall become a resident within 6 months of his or her hiring date and shall remain a District resident for the duration of his or her employment by the Corporation.

(4) The compensation and benefits of the chief executive officer shall be fixed, adjusted, and administered as set forth in section 108.

(b) The Board may appoint other senior officers as the Board deems necessary or desirable. The chief executive officer may appoint additional officers and employees as he or she determines appropriate, subject to the budget of the Corporation.

Sec. 110. Officers and employees — other government employees; outside services.

(a) Upon the request of the Corporation, the Mayor or the governing officer or body of an instrumentality of the District may by delegation, contract, or agreement direct that personnel or other resources of a District department, office, agency, establishment, or instrumentality be made available to the Corporation on a reimbursable or other paid basis to carry out the Corporation's duties. Personnel detailed to the Corporation under this subsection shall not be considered employees of the Corporation, but shall remain employees of the department, office, agency, establishment, or instrumentality from which the employee is detailed.

(b) With the consent of an executive agency, department, or independent agency of the federal government, the Corporation may utilize the information, services, staff, and facilities of that department or agency on a reimbursable or other basis.

(c) In carrying out the Corporation's duties, the Corporation may utilize, to the maximum extent possible, both contract services and pro bono services; provided, that these services shall be itemized in the annual report of the Corporation.

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SUBTITLE D. OTHER POWERS AND AUTHORITIES OF THE CORPORATION.

Sec. 111. Assistance for eligible projects.

(a) The Corporation may, upon the approval of the Board, provide economic assistance for eligible projects through the issuance of bonds under section 116, the making of loans or grants, or in any other manner authorized by this title.

(b) The Corporation and the person receiving the economic assistance shall enter into a written agreement that shall include a description of the eligible project, the purpose of the assistance, and any terms and conditions related to the provision of the economic assistance.

(c) The Corporation shall establish written criteria for approving, disapproving, or taking no action regarding applications for assistance, and for the types and amounts of assistance to be provided to a project.

(d) The criteria established under subsections (b) and (c) of this section shall be consistent with the law authorizing the provision of the assistance.

(e) Council approval for assistance to an eligible project shall be governed by the law authorizing the provision of the assistance.

Sec. 112. Eminent domain.

(a) The Corporation may acquire and assemble land, real property, easements, and other interests in real property through condemnation of property by eminent domain in furtherance of the public purposes of this title, in accordance with Chapter 13 of Title 16 of the District of Columbia Official Code. Any exercise of eminent domain power by the Corporation shall require the affirmative vote of a majority of the Board members. The condemnation proceedings shall be brought in the name of the Corporation, and title to the properties shall be taken in the name of the Corporation. The Corporation may not delegate the power of eminent domain to any subsidiary.

(b) Any property acquired through eminent domain under this section shall be located within the Anacostia Waterfront and shall be acquired in connection with an eligible project.

(c) Before condemnation proceedings may be brought by the Corporation, the Corporation shall submit to the Council for a 45-day period of review excluding Saturdays, Sundays, and days of Council recess, a proposed resolution to approve the exercise of eminent domain power. If the Council does not approve or disapprove the proposed resolution in whole or in part within the 45-day period, the proposed resolution shall be deemed disapproved.

Sec. 113. Subsidiaries.

(a) The Corporation may establish one or more for-profit or not-for-profit corporate subsidiaries for, or in connection with, providing any one or more types of assistance authorized by this title, including the administration of capital development, programs, and other activities, and to assist or carry out a project. No subsidiary of the Corporation may have any power that the Corporation does not have. Any contemplated provision of assistance to any person by a subsidiary shall require the approval of the Board.

(b) Prior to establishing a subsidiary under this section, the Corporation shall submit to

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the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess, a proposed resolution to approve the establishment of the subsidiary. If the Council does not approve or disapprove the resolution within the 45-day period, the resolution shall be deemed approved.

(c) In establishing subsidiaries, or in regard to their operations and applications of their income or the Corporation's income from them, the Corporation shall have regard for avoiding the disqualification of the Corporation as an organization exempt under section 501 of the Code, or as an issuer of bonds, the interest on which is intended to be excluded from gross income under section 103 of the Code in respect of the basic activities of the Corporation.

SUBTITLE D. FINANCIAL AFFAIRS; BONDING AUTHORITY.**Sec. 114. Establishment of Enterprise Fund.**

(a) There is established the Anacostia Waterfront Corporation Enterprise Fund ("Fund") which shall be operated by the Corporation in accordance with generally accepted accounting principles.

(b) Subject to the provisions made by the Corporation pursuant to this title for security of revenue bonds, all revenues, proceeds, and moneys from whatever source derived which are collected or received by the Corporation shall be credited to the Fund and shall not, at any time, be transferred to, lapse into, or be commingled with the General Fund of the District, the Cash Management Pool, or any other funds or accounts of the District.

Sec. 115. Revolving funds; reserve funds.

(a) The Corporation may establish one or more revolving funds to provide any type of assistance authorized by this title, including the administration of capital development programs and other activities.

(b) Payments received by the Corporation as returns on investment from assistance provided by the Corporation from any revolving fund may be deposited into the revolving fund from which assistance was made or into any other revolving fund established by the Corporation as it determines appropriate, and may be transferred between revolving funds as the Board determines appropriate. Funds received by the Corporation from any other source which are not required to be otherwise disposed of may be deposited into any revolving fund established by the Corporation and transferred between revolving funds as the Board determines appropriate. Funds deposited into any revolving fund established by the Corporation shall be available to the Corporation for assistance under this title, including the involvement of the Corporation in partnerships, joint ventures, or other equity arrangements, and to pay all expenses of the Corporation necessary and incident to furthering the purposes of this title.

(c) The Corporation may establish one or more special or reserve funds in furtherance of the purposes of this title. The Corporation may manage its special or reserve funds.

(d) All authority with respect to funds, revolving funds, and accounts shall be subject to any special provisions made in documents pertaining to outstanding bonds of the Corporation.

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(e) Subject to provisions contained in the financing documents pertaining to bonds issued by the Corporation and, notwithstanding other laws, all funds and revenues of the Corporation received by the Corporation from any source that are not required to be disposed of shall be held, administered, and invested by the Corporation as the Board shall direct, or deposited with, and invested by, an institution, trustee, fiduciary, or other custodian designated by the Corporation and disbursed as the Corporation shall direct.

(f) The Corporation shall have the power to contract with the holders of its bonds as to the custody, collection, security, investment, and payment of any monies of the Corporation and of any monies held in trust or otherwise for the payment of bonds.

Sec. 116. Revenue bonds, notes, or other obligations; loans and grants.

(a) In accordance with section 490 of the Home Rule Act, the Council authorizes the Corporation to approve, by resolution of the Board, the issuance of taxable and tax-exempt revenue bonds, including refunding revenue bonds at or before maturity, to provide assistance in financing, refinancing, and reimbursing development costs of eligible projects, and all undertakings authorized pursuant to section 490(a)(1) of the Home Rule Act, that are in furtherance of, and not inconsistent with, the purposes of this title. For those authorized purposes, the Council delegates to the Corporation its authority to issue bonds under section 490, including the powers thereunder to provide for the authorization, security, sale, and issuance of such bonds consistent with this title. This delegation is not exclusive and does not restrict, impair, or supersede the authority otherwise by law in any District instrumentality.

(b) Prior to issuing bonds under this section, the Corporation shall submit to the Council a resolution of eligible project approval accompanied by a summary description of the proposed project and a listing of the public purpose benefits to be derived from the proposed undertaking for a 60-day period of Council review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution within the 60-day period of review, the proposed resolution shall be deemed approved.

(c) The Board may delegate to the chief executive officer, chief financial officer, or any one or more officers of the Corporation the authority to prescribe the terms and conditions of the bonds, but the Board by its resolution shall provide for the available revenues to be pledged to secure the bonds.

(d) No member of the Board, officer or employee of the Corporation shall be personally liable by reason of the issuance of bonds.

(e) A pledge by the Corporation of available revenues collected by or on behalf of the Corporation as security for an issue of bonds shall be valid and binding from the time the pledge is made. The available revenues and receipts pledged shall immediately be subject to the lien of the pledge without physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract, or otherwise against the Corporation or the District government irrespective of whether the person has notice. Notwithstanding any other law, the filing or recording of any resolution, trust,

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agreement, management agreement, financing statement, continuation statement, or other instrument adopted or entered into by the Corporation in any public record is not required in order to perfect the lien against third persons.

(f) The signature of any officer of the Corporation that appears on a bond, including bonds not yet issued or delivered, shall remain valid notwithstanding that person has ceased to hold that office.

(g) The Corporation may secure bonds by a trust agreement between the Corporation and a corporate trustee. A trust agreement of the Corporation may contain provisions for protecting and enforcing the rights and remedies of holders of bonds in accordance with the provisions of the resolution authorizing the sale of bonds, and any other provision which may be included in the bond authorizing resolution under this section.

(h) Subject to preexisting agreements with the holders of bonds, the Corporation may redeem or purchase its own bonds which may then be canceled or reissued.

(i) The Corporation may enter into agreements with agents, banks, insurers, or others for the purpose of enhancing the marketability of or security for its bonds.

(j) Bonds of the Corporation are legal investments in which public officers and public bodies of the District, insurance companies and associations and other persons carrying on an insurance business, banks, bankers, banking institutions, including savings and loan associations, investment companies and other persons carrying on a banking business, administrators, guardians, executors, trustees and other fiduciaries, and other persons authorized to invest in bonds or in other obligations of the District, may legally invest funds, including capital, in their control. The bonds are also securities which legally may be deposited with and received by public officers and public bodies of the District or any agency of the District for any purpose for which the deposit of bonds or other obligations of the District is authorized by law.

(k) Bonds of the Corporation shall not constitute an indebtedness of the District. The bonds of the Corporation are not general obligations of the District and are not secured by a pledge of the full faith and credit of the District and the holders of the Corporation's bonds may not require the levy or imposition by the District of any taxes or, except as provided in the applicable District law, the application of any District tax receipts, revenues or funds to the payment of those bonds. All bonds issued by the Corporation shall contain on their faces a statement setting forth the qualifications of this subsection.

(l) Bonds issued pursuant to this title shall be special obligations of the Corporation payable and secured solely from and by the sources, property, and assets provided for the purpose pursuant to this title and any related District law and to the extent provided for in the financing documents relating to the bonds.

(m) Regardless of their form or character, bonds of the Corporation are negotiable instruments for all purposes of subtitle I of title 28 of the District of Columbia Official Code, subject only to the provisions of the bonds for registration.

(n) Bonds issued by the Corporation and the interest thereon are exempt from District taxation except estate, inheritance, and gift taxes.

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(o) The Corporation may cause any resolution of the Board authorizing bonds referred to in this subsection as a bond resolution, to be filed for public inspection and may thereupon cause to be published in a newspaper of general circulation in the District a notice stating the fact and date of the bond resolution and the place where the bond resolution has been filed for public inspection and also the date of the first publication of that notice. The notice shall also state that any suit, action, or proceeding of any kind or nature in any court questioning the validity or proper authorization of bonds provided for by the bond resolution or the validity of any covenants or agreements provided for by the bond resolution or any financing document securing the bonds authorized by the bond resolution shall be commenced within 20 days after the first publication of that notice. If after the notice is published no suit, action, or proceeding is brought questioning the validity or proper authorization of bonds provided for by the bond resolution referred to in the notice, or the validity of any covenants or agreements provided for by the bond resolution or any financing documents securing the bonds authorized by the notice, then all persons shall be forever barred and foreclosed from instituting or commencing any proceeding questioning the validity or proper authorization of the bonds, or the validity of any covenants and agreements, and the Corporation shall be conclusively deemed to have been authorized to exercise the powers delegated to the Corporation under this title, and the bonds, covenants, and agreements shall be conclusively deemed to be valid and binding obligations of the Corporation as provided in this title.

Sec. 117. District pledges.

The District pledges to the holders of outstanding bonds issued by the Corporation that the District will not limit or alter the rights in the Corporation to fulfill agreements made with holders of the bonds until the bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the holders of the bonds are fully met and discharged or fully provided for. The Corporation is authorized to include this pledge of the District in any agreement with the holders of the bonds.

Sec. 118. Tax-exempt status.

(a) Real property owned by the Corporation, or any not-for-profit subsidiary thereof, shall be exempt from taxation; provided, that when the real property is sold or leased by the Corporation or any of its subsidiaries to a person other than the Corporation or any of its subsidiaries, the real property shall be subject to taxation from the date of transfer by the Corporation.

(b) The Corporation, any not-for-profit subsidiary of the Corporation, and their income, property, transactions, and right to do business shall be exempt from any taxation, direct or indirect, within the District, including any sales, use, franchise, gross sales or receipts, income, personal property, transfer, or excise tax.

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Sec. 119. No taxing power.

Notwithstanding any other provision of this title, the Corporation shall not have any power to impose, assess and levy any taxes.

Sec. 120. Fiscal year.

The fiscal year of the Corporation shall be the fiscal year of the District government.

SUBTITLE F. RELATION TO OTHER GOVERNMENT ENTITIES.

Sec. 121. Corporation's review of plans and projects of District agencies.

(a) All plans and projects related to the Anacostia Waterfront that may be developed by the District or an agency or instrumentality of the District ("District government entity") shall be subject to the review and comment of the Corporation.

(b) Written notice shall be given by a District government entity to the Corporation at least 30 days prior to approving a plan or implementing a project.

(c) The Corporation may provide comments and recommendations to the District government entity within the 30-day period. The comments and recommendations of the Corporation, if any, shall be in writing and shall articulate the basis for the comment or recommendation.

(d) The issues and concerns raised by the Corporation shall be considered during the deliberations by the District government entity. Such consideration requires acknowledgement of the Corporation as a source of the recommendations and explicit reference to each of the Corporation's issues and concerns. In all cases the affected District government entity is required to articulate its decision in writing. The written rationale of the decision shall articulate the reasons why the Corporation does or does not offer persuasive advice with respect to each issue and concern raised by the Corporation. Further, the affected District government entity is required to support its position on the record.

(e) At the close of the 30-day notice period, the District government entity may make its decision. The District government entity shall promptly send to the Corporation a copy of its written decision.

(f) The Corporation shall not have the power to initiate a legal action in the courts of the District or in the federal courts regarding the actions of a District government entity pursuant to this section; provided, that this limitation does not apply to or prohibit any Board member from bringing suit as a citizen.

Sec. 122. Expedited consideration by other agencies.

The Mayor, the departments, commissions, agencies, and offices of the District government, and the boards of independent District agencies, commissions, establishments, and instrumentalities shall give expedited consideration to applications for licenses, permits, financing, and other approvals of eligible projects for which the Corporation is primarily responsible or to which the Corporation has provided or proposes to provide assistance. Approvals of the licenses, permits, financing, and other applications shall not be denied,

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withheld, or delayed unreasonably.

SUBTITLE G. RELATION TO OTHER LAWS AND POLICIES.

Sec. 123. Relation to other laws.

(a) Except as otherwise provided in this title:

(1) No District laws, rules, or orders governing procurement or administrative procedures shall apply to the Corporation, its activities, Board members, or officers or employees of the Corporation, or any subsidiary thereof;

(2) The Corporation and its subsidiaries shall comply with all applicable laws and regulations, including laws and regulations related to zoning, historic preservation, environmental protection, and permitting processes and procedures.

(3) Nothing in this title shall affect the authority of any other agency or instrumentality of the District government.

(b)(1) Any project developed or assisted by the Corporation or a subsidiary thereof shall comply with An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1401 *et seq.* ("Voluntary Apprenticeship Act"); the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Code § 2-219.01 *et seq.*); and the Hotel Development Projects Labor Peace Agreement Act of 2002, effective April 2, 2003 (D.C. Law 14-266; D.C. Code § 32-851 *et seq.*).

(2) All developers, contractors, and subcontractors on these projects shall be responsible for complying with the requirements of these laws.

(3) In implementing the Voluntary Apprenticeship Act, there shall be a preference that not less than 30% of the apprenticeship opportunities are designated for residents residing east of the Anacostia River.

Sec. 124. Utilization of local, small, and disadvantaged business enterprises; hiring of District residents.

(a) Notwithstanding any other provision of this title, the Corporation shall exercise its contracting and procurement authority in such a way as to meet the contracting and procurement goals under the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998, effective April 27, 1999 (D.C. Law 12-268; D.C. Official Code § 2-217.01 *et seq.*).

(b) In contracting with general contractors, developers, or construction managers, and in providing assistance to an eligible project, the Corporation shall require that the general contractor, developer, and construction manager of the eligible project engage in good faith efforts to:

(1) Procure and contract 35% of the dollar volume of its goods and services, including construction goods and services, with local, small, and disadvantaged business enterprises, with a preference for at least 10% of those enterprises located in Ward 8; and

(2) Ensure that at least 51% of the new jobs created in connection with the

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project are filled by residents of the District, with a preference for at least 20% of those jobs designated for residents in Ward 8.

(c) No later than November 1st of each year, the Corporation shall submit to the Council a report detailing the extent to which it achieved the contracting goals under subsections (a) and (b) of this section in the previous fiscal year.

Sec. 125. Property dispositions.

(a) All disposition of real property by the Corporation, or any subsidiary thereof, shall be subject to the procedures in this section.

(b) Prior to the issuance of an offering document pertaining to the disposition of a property, the Corporation shall submit a proposed resolution to approve the draft offering document to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed resolution within the 45-day period, the proposed resolution shall be deemed approved.

(c) Prior to the disposition of a property pursuant to a method other than an offering document, the Corporation shall submit a proposed resolution to approve the disposition to the Council for a 45-day period of review, excluding days of Council recess. The proposed resolution shall include a description of the proposed method of disposition and relevant documents, if any. If the Council does not approve or disapprove the proposed resolution within the 45-day period, the proposed resolution shall be deemed disapproved.

(d)(1) Approval by the Council of a resolution under subsection (b) or (c) of this section shall expire one year after the effective date of the approval resolution unless an exclusive right agreement has been executed; provided, that if the Corporation determines before the end of the one-year period that an exclusive right agreement will not be executed within the one-year period, the Corporation may submit to the Council no later than 45 days, excluding days of Council recess, before the end of the one-year period a resolution seeking additional time for the execution of the exclusive right agreement. The resolution shall include a report on efforts made toward execution of an exclusive right agreement and the reasons for the inability to execute this agreement within the one-year period.

(2) The proposed resolution shall be subject to a 45-day period of Council review, excluding days of Council recess. If the proposed resolution does not seek more than 2 years of additional time and the Council does not approve or disapprove the resolution within the 45-day period, the resolution shall be deemed approved. If the proposed resolution seeks more than 2 years of additional time and the Council does not approve or disapprove the resolution within the 45-day period, the resolution shall be deemed disapproved.

(e) If an exclusive right agreement is executed pertaining to property to be disposed of under this section, approval by the Council of a resolution under subsection (b) or (c) of this section shall expire one year after the execution of the agreement unless:

(1) A land disposition agreement has been executed, subject to the provisions of this section; or

(2) The Board grants an extension of the expiration date, not to exceed 12

months, which shall be based on a determination that special factors exist justifying the extension such as the need for zoning changes, historic preservation, street and alley closings, abatement of environmental hazards, or taking by eminent domain.

(f) If the Board determines before the end of the 2-year period that no land disposition agreement can be executed within the 2-year period as described in subsection (e) of this section, the Corporation may submit to the Council no later than 30 days, excluding Saturdays, Sundays, legal holidays or days of Council recess, before the end of the 2-year period a resolution seeking additional time for the disposition of the property, which resolution shall include a detailed status report on efforts made toward disposition of the property and the reasons for the inability to dispose of the property within the 2-year period. If the Council does not approve or disapprove the resolution within the 30-day period, the resolution shall be deemed approved.

(g) At least 15 days prior to the execution of a disposition agreement and after at least 15 days public notice, the Corporation shall hold a public hearing on the terms and conditions of the disposition.

SUBTITLE H. MISCELLANEOUS PROVISIONS.

Sec. 126. Rules with respect to gifts, procurement of goods and services, and property dispositions.

(a) The Corporation shall adopt written guidelines, rules, or procedures pertaining to:

- (1) Solicitation, acceptance, holding, investment, administration, use, and disposition of gifts, grants, or subsidies of money by the Corporation;
- (2) Procurement of goods and services by the Corporation; and
- (3) Disposition of property by the Corporation.

(b) The Corporation shall transmit to the Council the written guidelines, rules, or procedures for a period review of 45 days, excluding days of Council recess. If the Council does not adopt a resolution to approve or disapprove the written guidelines, rules, or procedures within the 45-day period, the written guidelines, rules, or procedures shall be deemed disapproved.

(c) The Corporation shall not dispose of its assets or funds to provide gifts or gratuities, or for any purpose that could be construed to be a gift or gratuity to an individual or entity in an amount greater than \$100 in any fiscal year.

Sec. 127. Affordable housing.

(a) No less than 15% of any housing units in real property controlled or disposed of by the Corporation under section 104(a)(15) or (16) shall be affordable to low-income households. No less than 15% of any housing units in real property controlled or disposed of by the Corporation under section 104(a)(15) shall be affordable to moderate-income households.

(b) For the purposes of this section, the term:

- (1) "Affordable" means housing for which the occupying household will pay no more than 30% of its income toward gross housing costs for 50 years in the case of rental units,

and 20 years for homeownership units.

(2)(A) "Area median income" means:

(i) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;

(ii) For a household of 3 persons, 90% of the area median income for a household of 4 persons;

(iii) For a household of 2 persons, 80% of the area median income for a household of 4 persons;

(iv) For a household of one person, 70% of the area median income for a household of 4 persons; and

(v) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons.

(B) Any percentage of household income referenced in this section or in D.C. Official Code § 47-865 shall be determined through a direct mathematical calculation and shall not take into account any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers.

(3) "Low income household" means a household consisting of one or more persons with income equal to or less than 30% or less of the area median income.

(4) "Moderate income household" means a household consisting of one or more persons with income equal to or less than 60% or less of the area median income and greater than 30% of the area median income.

Sec. 128. Prohibition on political activity.

The Corporation shall not expend any funds to influence legislation, other than in connection with testimony by a Board member or an officer or employee of the Corporation before a committee of Congress or the Council, or in responding to a written request from a member or committee of Congress or the Council. This prohibition shall not apply to legislation proffered by, or specifically applicable to, the Corporation. The Corporation shall not expend any funds in connection with political entities of any kind or to support the lobbying efforts of any not-for-profit charitable group.

Sec. 129. Conflict of interest; disclosure; waiver of bar against participation by interested party.

(a) Any member, officer, or employee of the Corporation who is interested directly or indirectly, or who is an officer or employee of, or has an ownership interest, in any firm or agency interested directly or indirectly in any transaction with the Corporation including any bond issuance or financial assistance allowed under this title to any sponsor, builder, or developer, shall disclose this interest to the Corporation. This interest shall be set forth in the

minutes of the Corporation, and the member, officer, or employee having the interest shall not participate on behalf of the Corporation in the authorization or implementation of the transaction. The Board shall not be allowed to waive a member's, officer's, or employee's inability to participate where the interest falls within guidelines adopted or rules promulgated by the Board.

(b) Members of the Board shall be considered public officials. Any effort to realize personal gain through conduct as a Board member shall be a violation of the public trust. Activities of Board members shall be governed by sections 601 and 602 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 465; D.C. Official Code §§ 1-1106.01 and 1-1106.02).

Sec. 130. Annual report.

Not later than 180 days after the end of each fiscal year of the Corporation, the Corporation shall submit a report regarding its activities during the prior fiscal year to the Council, the Mayor, and the Chief Financial Officer. The annual report shall include financial statements audited by an independent auditor.

Sec. 131. Limitations of actions.

Any legal action arising from the promulgation or application of any rule or procedure adopted or prescribed by the Board, or from any determination of the Board, shall be filed within 90 days after the date of the occurrence of the event (or 90 days after publication of the event in the District of Columbia Register, if publication is required by law or regulation) that is the subject of the legal proceeding. In any legal action arising from actions of the Corporation, or from the Corporation's failure to act, the Corporation shall be represented by the counsel of its choosing. Nothing in this section shall be interpreted as authorizing actions or as making a justiciable issue of any action by the Board or Corporation taken within the discretion vested in them by this title.

Sec. 132. Dissolution; termination of affairs.

(a) Upon dissolution of the Corporation or any subsidiary of the Corporation, title to property filed in the name of the Corporation and its subsidiaries, and all property under the control of the Board shall vest in the District. No property assets or earnings of the Corporation shall at any time inure to any private person or entity.

(b) The Corporation may be dissolved by vote of a majority of the Board and approval by act of the Council or by a majority approval by act of the Council; provided, that all bonds of the Corporation have been discharged or their discharge has been provided for fully, and adequate provision has been made for all other debts and obligations of the Corporation.

Sec. 133. Interpretation.

Except as provided in section 121, nothing in this title shall be construed to eliminate, reduce, or regulate the powers or authorities of the National Capital Revitalization Corporation or RLA Revitalization Corporation.

TITLE II. NATIONAL CAPITAL REVITALIZATION CORPORATION
PROVISIONS

Sec. 201. Conforming amendments.

(a) The National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*), is amended as follows:

(1) Section 20(b) (D.C. Official Code § 2-1219.19(b)) is amended as follows:

Note,
§ 2-1219.19

(A) Strike the phrase "any exercise of eminent domain powers that is approved by an affirmative vote of the Corporation shall be submitted to the Council" and insert the phrase "the Corporation shall submit to the Council a proposed resolution to approve the exercise of eminent domain powers";

(B) Strike the phrase "30-day period of review excluding days of Council recess" and insert the phrase "45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess" in its place.

(C) Strike the sentence "The Council shall approve or disapprove the exercise of eminent domain powers by the Corporation by resolution within 30 days of the date it is transmitted to the Council." and insert the sentence "If the Council does not approve or disapprove, in whole or in part, the proposed resolution within the 45-day period, the proposed resolution shall be deemed disapproved." in its place.

(2) Section 21 (D.C. Official Code § 2-1219.20(a)) is amended as follows:

Note,
§ 2-1219.20

(A) Paragraph (5) is repealed.

(B) A new paragraph (5A) is added to read as follows:

"(5A) All land within the District that is located east of the Anacostia River or east of the Potomac River that is not within the Anacostia Waterfront."

(3) A new section 30d-1 is added to read as follows:

"Sec. 30d-1. Distribution of income between RLA Revitalization Corporation and the District.

"(a) Subject to the provisions of section 30bb and notwithstanding the division of income set forth in section 30d(a) and (b), the RLARC shall receive 100% of the program income, net of expenses, generated by a lease or non-long-term ground lease on Redevelopment Land Agency property, and 100% of the program, net of expenses generated by the disposition through sale, long-term ground lease, or any other method of disposition of that property until RLARC receives:

"(1) The amount RLARC would have received through these transactions under the divisions of income set forth in section 30d(a) and (b); plus

"(2) An additional \$25 million of program income that would have been payable

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to a party other than RLARC under the divisions of income set forth in section 30d(a) and (b); plus

"(3) Any "unpaid monetary obligations", as that term is defined in the MOU.

"(b) Notwithstanding subsection (a) of this section, 100% of the income generated by the disposition through sale, long-term ground lease, or any other method of disposition of the GPO site (Square 625) shall be received by RLARC and none of the proceeds shall be considered part of the \$25 million amount set forth in subsection (a) of this section. If any income has been received from the prepayment of the note for the sale of Lots 802, 40 and 41, Square 267 (Parcel D) ("Portals") prior to the effective date of this section, the income not yet received by RLARC shall be transferred to it upon the effective date of this section and the income, to the extent the RLARC would not be entitled to the income under section 30d(a) or (b) shall be considered part of the \$25 million amount set forth in subsection (a) of this section.

"(c) Notwithstanding the provisions of this section, section 30d, or the provisions of any agreement entered into between NCRC or RLARC and the District, including DHCD, prior to the effective date of the Anacostia Waterfront Corporation Act of 2004, any program income received from a property transferred to the NCRC or RLARC under section 30aa(b) shall not be subject to the division of income set forth in section 30d(a) or (b) nor shall this income be included in the calculation set forth in new subsections (a) and (b).

"(d) This section shall take effect after the provisions set forth in section 30bb have been satisfied."

(4) A new Title III is added to read as follows:

"TITLE III. TRANSFER OF CERTAIN NCRC AND RLARC PROPERTIES.

"Sec. 30aa. Transfer of properties.

"(a) Subject to the provisions of section 30bb, the following real property of the National Capital Revitalization Corporation ("NCRC") and the RLA Revitalization Corporation ("RLARC"), and all records and other tangible and intangible personal property associated with the real property, including all causes of action and defenses, shall be transferred to the District, under the jurisdiction of the Mayor:

Square Lot

0390 0054

0390 0825

03910804

03910805

03910806

0471W0810

0472 0827

0473 0084

0473 0815

0473 0820

Address

MAINE AV SW

MAINE AV SW

MAINE AV SW

MAINE AV SW

MAINE AV SW

MAINE AV SW

MAINE AV SW

700 WATER ST SW

SW

MAINE AV SW

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0473 0822	1000 WATER ST SW
0473 0823	900 WATER ST SW
0473 0824	900 WATER ST SW
0473 0825	800 WATER ST SW
0473 0826	800 WATER ST SW
0473 0827	MAINE AV SW
0473 0828	MAINE AV SW
0473 0831	MAINE AV SW
0473 0834	600 WATER ST SW
0473 0837	MAINE AV SW
0473 0839	MAINE AV SW
0473 0840	MAINE AV SW
0473 0841	MAINE AV SW
0473 0842	MAINE AV SW
0473 0843	M PL SW
0473 0844	MAINE AV SW
0473 0845	MAINE AV SW
0473 0849	MAINE AV SW
0473 0851	650 WATER ST SW
0503 0883	6TH ST SW
0390 0824	H ST SW
0439S 0812	7TH ST SW
0439S 0813	7TH ST SW
0439S 0814	MAINE AV SW

"(b) With respect to the properties set forth in subsection (a) of this section:

"(1) The District shall assume all liabilities, debts, mortgages, and obligations of the NCRC and the RLARC; and

"(2) The NCRC and the RLARC shall not be responsible to any third parties with respect to any liabilities, debts, mortgages, or other obligations, including obligations as a sub-recipient to the Department of Housing and Community Development ("DHCD") and the United States Department of Housing and Urban Development under applicable law, regulations, or agreements.

"(c)(1) The Mayor shall transfer to the Anacostia Waterfront Corporation, established by section 102 of the Anacostia Waterfront Corporation Act of 2004, approved on 2nd reading on July 13, 2004 (Enrolled version of Bill 15-616), the real property set forth in subsection (a) of this section, and all records and other tangible and intangible personal property associated with the real property, including all causes of action and defenses.

"(2) The transfer required under this subsection shall occur on a date that is agreed upon by the Mayor and the Anacostia Waterfront Corporation.

"(d) The District, by the Mayor or the appropriate agency, office, or other division,

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shall transfer to the NCRC or the RLARC the properties contemplated under section 2(a) of the section titled "Mayor Obligation" in the memorandum of understanding between the NCRC, the RLARC, and the District government, dated July 1, 2004 ("MOU"). To effectuate the transfer of these properties, the Mayor shall transmit a notice to the Council and follow the procedures set forth in the MOU. For 2 years after the transfer, the NCRC and the RLARC shall have the right to return properties received as part of the transfer and receive substitute properties in a manner consistent with the MOU. To effectuate the return of a property, the NCRC or the RLARC shall transmit a notice to the Council and follow the procedures set forth in the MOU.

"Sec. 30bb. Transfer of properties; effective date.

"The transfer of properties set forth in section 30aa(a) shall be effective after each of the following provisions has been satisfied:

"(1) The MOU setting forth the terms of the agreement to transfer certain parcels of land located at the Southwest Waterfront from the NCRC or the RLARC to the Mayor in exchange for land, cash, and other consideration has been transmitted to the Council by the Mayor, accompanied by a statement of legal sufficiency from the Attorney General for the District of Columbia, formerly known as the Corporation Counsel, and a fiscal impact statement from the Chief Financial Office;

"(2) The Mayor, the NCRC, and the RLARC have performed their obligations under the MOU;

"(3) The Mayor has transmitted to the Council a notice pursuant to section 30aa(d) of the initial transfer of properties contemplated by section 2(a) of the MOU;

"(4) An assignment and assumption agreement effectuating the simultaneous transfer of properties and assets and other provisions of the MOU, and executed by the Mayor on behalf of the District, the NCRC, and the RLARC, has been submitted to the Council;

"(5) The RLARC has received additional program income pursuant to section 30d-1 and notified the Council upon its initial receipt of additional income pursuant to section 30d-1; and

"(6) The legal opinion and the lender release and consent described in subsections 4 and 5 of the MOU which are titled "Conditions for the Transfer of RLARC Parcels to the District" have been transmitted to the Council by the Mayor."

(b) Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

Note,
§ 1-523.01

(1) The lead-in text is amended by striking the phrase "(1)-(27)" and inserting the phrase "(1) - (28)" in its place.

(2) Paragraph (26) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(3) Paragraph (27) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(4) A new paragraph (28) is added to read as follows:

"(28) The Board of Directors of the Anacostia Waterfront Corporation established by section 105 of the Anacostia Waterfront Corporation Act of 2004."

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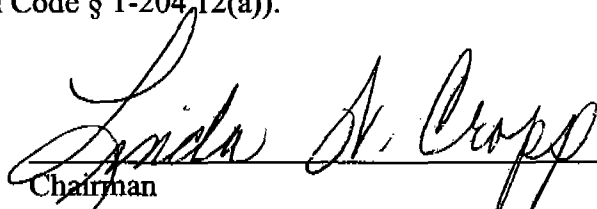
TITLE III. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE

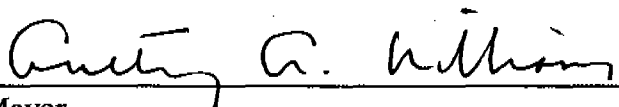
Sec. 301. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 302. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 1, 2004

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICERNatwar M. Gandhi
Chief Financial Officer**MEMORANDUM**

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: OCT -4 2004

SUBJECT: Fiscal Impact Statement: "Anacostia Waterfront Corporation Emergency Act of 2004"

REFERENCE: Draft Legislation to be Introduced - No Number Available

Conclusion

Although funds sufficient to run the Anacostia Waterfront Corporation (AWC) have not yet been identified, funds are sufficient in the District of Columbia's proposed FY 2005 through FY 2008 budget and financial plan to approve the Anacostia Waterfront Corporation Emergency Act of 2004.

The bill establishes the AWC as an independent instrumentality of the District whose finances would be wholly separate from the District's general fund. However, the bill provides no financial plan or funding for the operation of the proposed Corporation. Any direct or indirect financial support from the District would require placement in the budget or additional legislation.

Background

The proposed legislation is nearly identical to an act previously approved by the Council of the District of Columbia and approved by the Mayor,¹ but makes technical corrections. The revisions do not affect the bill's fiscal impact. The Act is awaiting approval by the Congress. The technical corrections clarify that actions by the AWC concerning federal functions or property shall be authorized by the federal government. The amendments also authorize the AWC to act as the agent of the District on federal matters relating to the development of the Anacostia River waterfront.

¹ Act 15-527, "Anacostia Waterfront Corporation Act of 2004"; Enacted August 5, 2004.

The Honorable Linda W. Cropp
FIS: Draft Legislation, "Anacostia Waterfront
Corporation Emergency Act of 2004"
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The proposed legislation would establish the AWC as an independent instrumentality of the District of Columbia. The AWC would be the organization responsible for the redevelopment of the Southwest Waterfront, and the lands adjacent to the Anacostia River.

The AWC would have an unpaid 12 member board of directors – nine voting members consisting of six members of the public, one member of the Board of the National Capital Revitalization Corporation (NCRC), the Mayor, the Chief Financial Officer, and three non-voting members consisting of the Chairman of the National Capital Planning Corporation, the Secretary of the Department of the Interior and the Administrator of the General Services Administration.

The Act provides the AWC with eminent domain authority and the ability to create subsidiary corporations, revolving funds and special or reserve funds. The corporation's accounts would be wholly separate from the District's General Fund, however, the Act does not provide any money to fund these accounts. AWC would also be vested with the power to issue taxable and tax-exempt revenue bonds to support the redevelopment of the area surrounding the Anacostia River.

The only land transfer that is authorized under this Act is the transfer of the Southwest Waterfront properties from the NCRC to the AWC. The NCRC would receive \$25 million in Community Development Block Grant (CDBG) dollars from the sale of Redevelopment Land Authority Revitalization Corporation (RLARC) properties, by temporarily eliminating the current 60/40 percent split on land proceeds shared between the District Department of Housing and Community Development (DHCD) and the NCRC. NCRC would also be compensated with other District owned properties, as specified in a Memorandum of Understanding (MOU) executed between the Mayor and the NCRC Board.

Financial Plan Impact

Although specific funds sufficient to run the AWC have not yet been identified, funds are sufficient in the proposed FY 2005 through FY 2008 budget and financial plan to approve the Anacostia Waterfront Corporation Emergency Act of 2004 because the AWC would be an independent instrumentality of the District. As an independent instrumentality of the District, the AWC's finances are wholly separate from the District's general fund.

The legislation authorizes the AWC to borrow funds from private lenders, the District and the Federal governments, and to receive grants, appropriations and dedicated revenues. If any of the funds identified to run the AWC are from District sources, they must be budgeted in order not to have a negative impact on the District's budget and financial plan.

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-587

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.West Group
Publisher

To continue, on an emergency basis, a parking meter fee moratorium on Saturday for up to 3 hours, unless current signage permits otherwise, and on other days between 6:30 p.m. and 7:00 a.m.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parking Meter Fee Moratorium Emergency Act of 2004".

Sec. 2. Parking meter fees; exceptions.

Note,
§ 50-2641

(a) Except as provided in subsection (b) of this section, no citation shall be issued for a parking meter fee violation at any time on a Saturday, or on other days between the hours of 6:30 p.m. and 7:00 a.m.

(b) No person shall park at a parking meter on a Saturday between 7:00 a.m. and 6:30 p.m. for more than 3 hours, unless current signage permits parking for a longer time. Failure to move the vehicle after 3 hours on a Saturday between 7:00 a.m. and 6:30 p.m. shall constitute a violation unless current signage permits parking for a longer time.

(c) The Mayor may promulgate rules to exempt certain streets from the provisions of this act when necessary to accommodate special needs or situations identified by proximate business or District agencies, subject to approval by the Council.

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

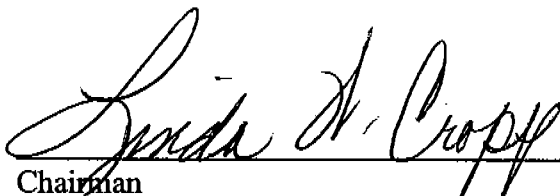
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

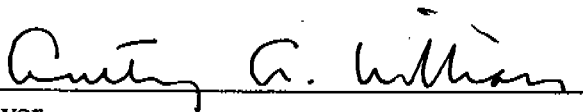
NOV 26 2004

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-588

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.West Group
Publisher

To amend, on a emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of the Golden Rule Plaza site in Ward 6 approved for disposition by the Council as surplus.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Extension of Time to Dispose of Property for Golden Rule Development Project Emergency Amendment Act of 2004".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code §10-801), is amended by adding a new subsection (d-2) to read as follows:

Note,
§ 10-801

"(d-2) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the following properties is extended to November 10, 2006:

"(1) Lots 837 and 838 in Square 525 bounded by New York Avenue, N.W., Square 556, L Street, N.W., the Center Leg Freeway, and 4th Street, N.W.; and

"(2) Lot 832 in Square 526 bounded by L Street, NW., the Center Leg Freeway, K Street, N.W., to Golden Rule Plaza, Inc."

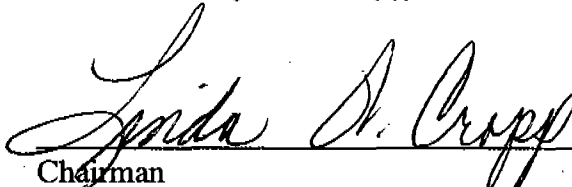
Sec. 3. This act will have a positive fiscal impact. The property was acquired by the District government in connection with the construction of Interstate Highway 1-395 utilizing 90/10 matching federal funds supplied by the Federal Highway Administration ("FHWA"). Now that the property is not needed for highway purposes, FHWA requires that the District of Columbia pay 90% of the property's fair market value, and in March 1990, the FHWA required the District of Columbia to post a \$500,000 credit toward reimbursement of that amount. Upon approval of the transfer of the property to Golden Rule Plaza, Inc., the U.S. Department of Transportation decided to accept the \$500,000 previously paid by the District of Columbia as payment in full for the property and to exercise its discretion to transfer the land directly to Golden Rule Plaza, Inc. Accordingly, the proposed disposition and a prior disposition relieves

ENROLLED ORIGINAL

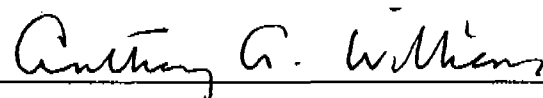
the District of Columbia of its responsibility for a payment of 90% of the property's then current value of \$2.5 million and now estimated at \$9.8 million. Golden Rule Plaza, Inc., has recently completed the development of a 119-unit senior citizen apartment building on property that was acquired in the last few years as a part of the overall project involving approximately \$9.0 million of bonds issued by the District of Columbia Housing Finance Agency as part of its financing package. The District of Columbia received the minimal amount of one dollar (\$1.00) for the subject property from Golden Rule Plaza, Inc.; however, the District of Columbia has benefited from the addition of low-and moderate-income housing units for senior citizens, approximately 100 construction jobs, and the additional 25 to 30 jobs involved in the operation of the 119-unit senior citizen apartment building constructed at New Jersey Avenue and K Streets, N.W. The federal government has determined that Golden Rule Plaza, Inc., a nonprofit organization, does not have to pay for the property because the proposed 119-unit housing project and future projects to be constructed on the property are deemed to be beneficial to the public interest.

Sec. 4. The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

November 1, 2004

Codification District of Columbia Official Code, 2001 Edition

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West Group Publisher, 1-800-328-9378.

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR.

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency () Temporary (x) Permanent ()	Date Reported: October 5, 2004
--------------	---	--------------------------------

Subject/Short Title: "Extension of Time to Dispose of Property for Golden Rule Development Project Emergency Amendment Act of 2004"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).		
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).		
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue. See below	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	()

Explanation:
The proposed legislation does not have any fiscal impact on the District's General Fund. The proposed legislation will not require additional staff or resources.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(x)

Sources of information:

Council staff

Councilmember: Sharon Ambrose, Chair, Committee on Consumer and Regulatory Affairs

Staff Person & Tel: Esther Bushman 724-8072

Council Budget Director's Signature:

ATB
10 Feb 05

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-589IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 26, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.West Group
Publisher

To authorize, on an emergency basis, the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2005.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2005 Tax Revenue Anticipation Notes Emergency Act of 2004".

Sec. 2. Definitions.

For the purposes of this act, the term:

Note,
§ 1-204.72

(1) "Additional Notes" means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2005, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Mayor.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act.

(7) "Council" means the Council of the District of Columbia.

(8) "District" means the District of Columbia.

(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers and with an office in the District designated to serve in this capacity by the Mayor.

(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 7.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(12) "Mayor" means the Mayor of the District of Columbia.

ENROLLED ORIGINAL

(13) "Notes" means one or more series of District general obligation revenue anticipation notes authorized to be issued pursuant to this act.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 9 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the Treasurer of the District of Columbia established pursuant to section 424(a)(2) of the Home Rule Act.

Sec. 3. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act, the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act, the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act, the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The Mayor has advised the Council that, based upon the Mayor's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2005, it may be necessary for the District to borrow a sum not to exceed \$350 million, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed \$350 million is in the public interest.

Sec. 4. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act, in one or more series, in a sum not to exceed \$350 million, to finance its general governmental expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2005.

(b) The Mayor is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, and printing costs and expenses.

ENROLLED ORIGINAL

Sec. 5. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2005 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2005.

(b) The Mayor is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of, and interest on, the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. The Mayor's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the notes. The Mayor shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Mayor or an authorized delegate may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution

ENROLLED ORIGINAL

in relation to the notes being sold.

(c) The Mayor or an authorized delegate shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

- (1) The issuance of the notes;
- (2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, the treatment of interest on the notes as not constituting an item of tax preference for purposes of the federal alternative minimum tax ("non-AMT"), if the notes are originally issued as non-AMT notes, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);
- (3) The performance of any covenant contained in this act, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;
- (4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Mayor shall determine; or
- (5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Mayor receives an approving opinion of Bond Counsel as to the validity of the notes and the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes and, if the notes are issued as non-AMT notes, the treatment of such interest as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District income taxation of the interest on the notes (except estate, inheritance, and gift taxes).

(e) The Mayor shall execute a note issuance certificate evidencing the determinations and other actions taken by the Mayor for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2005, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 7. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this act shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

ENROLLED ORIGINAL

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Mayor may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this act, designate an Escrow Agent under the Escrow Agreement. The Mayor may execute and deliver the Escrow Agreement, on behalf of the District and in the Mayor's official capacity, containing the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2005 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement may not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Mayor shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Mayor shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 9(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), for the period August 15, 2005, until September 30, 2005, then beginning on the date set forth in the Escrow Agreement, the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable on the outstanding notes, including Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special tax or charges levied pursuant to section 490 of the Home Rule Act).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2005, through September 30, 2005, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(4) The District covenants that so long as any of the notes are outstanding, it shall not grant, create, or permit the existence of any lien, pledge, or security interest with respect to its taxes due and payable during the period August 1, 2005, through September 30, 2005, or commit or agree to set aside and apply those tax receipts to the payment of any obligation of the District other than the notes. The taxes referred to in this paragraph shall not include special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act, or any real property tax liens created or arising in any fiscal year preceding the issuance of the notes.

(g) Before the 16th day of each month, beginning in August 2005, the Mayor shall review

ENROLLED ORIGINAL

the current monthly cash flow projections of the District, and if the Mayor determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Mayor to be received after such date by the District but before the maturity of the notes, then the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of, and interest on, the notes payable at their maturity.

(h) The Mayor shall, in the full exercise of the authority granted the Mayor under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of, and interest on, the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then-current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act, this act, and the Escrow Agreement. Without limiting any obligations under this act or the Escrow Agreement, the Mayor reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the District of Columbia Appropriations Act, 2005, if enacted prior to the effective date of this act, relating to short-term borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same-day funds at a bank or trust company acting as paying agent, located in the District, and at not more than 2 co-paying agents that may be located outside the District, one of which shall be located in New York, New York. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Mayor without regard to any other act or resolution of the Council now existing or adopted after the effective date of this act.

(k) In addition to the security available for the holders of the notes, the Mayor is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1 million during fiscal year 2005, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse said bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Mayor not in excess of 15% per year until paid.

(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which the Mayor may from time to time determine to be necessary or appropriate to place, in whole or in part:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3)(A) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Mayor may desire, including, without limitation, interest rate swap agreements;

ENROLLED ORIGINAL

currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls.

(B) The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Mayor may consider appropriate and shall be entered into with whatever party or parties the Mayor may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Mayor determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this act and the Escrow Agreement, and the requirements of this act and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Mayor:

(1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of, and interest on, which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Mayor, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this act becomes effective, except for this act.

Sec. 9. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges

ENROLLED ORIGINAL

of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations. The reserved right with regard to notes and Additional Notes issued pursuant to sections 471, 472, and 490 of the Home Rule Act shall be subject to this act. No borrowings or other obligations, including Additional Notes, shall be entered into that would require an immediate set-aside and deposit under section 7(g) applied as of the date of the issuance.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act that shall mature on or before September 30, 2005, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued, the provisions of section 7 hereof shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Mayor or the authorized delegate shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this act and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 7(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 7(g) applied immediately after the issuance.

(c) Any general obligation notes issued by the District pursuant to section 471 of the Home Rule Act shall not be scheduled to be due and payable until after the earlier of the following:

(1) The stated maturity date of all outstanding notes and Additional Notes; or

(2) The date an amount sufficient to pay all principal and interest payable at maturity on the notes and the Additional Notes is on deposit with the Escrow Agent.

(d) Revenue notes of the District, which are payable from specified District revenue that is set aside for the payment of the revenue notes and that is included in the amount of receipts estimated by the Mayor, pursuant to section 7(g), to be received after the proposed date of issue of the revenue notes and before the maturity of the notes, shall not be issued if a set-aside and deposit of receipts pursuant to section 7(g) applied as of the proposed date of the issuance of revenue notes would be required. In determining, for purposes of this subsection, whether a set aside and deposit would be required, there shall be excluded from receipts estimated by the Mayor to be received after the proposed date of issuance of revenue notes and before the maturity of the notes an amount equal to the estimated revenues set aside for the payment of revenue notes.

Sec. 10. Tax matters.

The Mayor shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the notes to be includable in gross income for federal income tax purposes or, if such notes were issued as non-AMT notes, to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Mayor also shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT

ENROLLED ORIGINAL

notes, be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 11. Contract.

This act shall constitute a contract between the District and the owners of the notes. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

Sec. 12. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 13. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

Sec. 14. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

Sec. 15. Information reporting.

(a) Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the notes, the Mayor shall transmit a copy of the transcript to the Secretary to the Council

(b) The Mayor shall notify the Council within 30 days of any action taken under section 7(g).

Sec. 16. Fiscal impact statement.

The Office of the Chief Financial Officer estimates that the fiscal impact of issuing these Tax Revenue Anticipation Notes is as follows:

(1) The debt service expense associated with issuing Tax Revenue Anticipation Notes to fund Fiscal Year 2005 seasonal cash needs in the amount of approximately \$250 million is incorporated in the District's proposed Fiscal Year 2005 budget. This act has a not-to-exceed amount of \$350 million, as a contingency in the event that the District's actual Fiscal Year 2005 seasonal cash needs exceed the projected cash needs at the time of budget preparation. In that event, the Office of the Chief Financial Officer plans to manage its total debt service expenditures in a manner that keeps such expenditures from exceeding the total debt service budget. As such, there is no additional fiscal impact associated with the passage of this act or the issuance of the notes.

(2) The fiscal impact associated with not passing this act could be an inability of the District to meet numerous operating expenditures during Fiscal Year 2005.

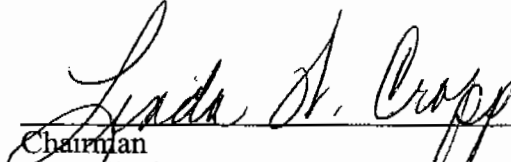
Sec. 17. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the

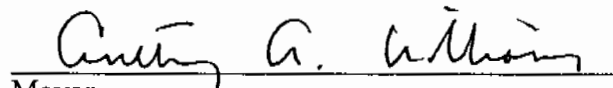
NOV 26 2004

ENROLLED ORIGINAL

Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 26, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-590

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the Fiscal Year 1997 Budget Support Act of 1996 to establish the Automated Traffic Enforcement Fund as a lapsing fund, and to require that revenue collected and deposited into the Automated Traffic Enforcement Fund be used for the expenses associated with automated traffic enforcement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Automated Traffic Enforcement Fund Emergency Amendment Act of 2004".

Sec. 2. Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 *et seq.*), is amended by adding a new section 904 to read as follows:

"Sec. 904. Automated Traffic Enforcement Fund.

"(a) There is established the Automated Traffic Enforcement Fund ("Fund") as a lapsing fund, to be administered by the Mayor as an agency fund as defined in D.C. Official Code § 47-373(2)(i), into which shall be deposited funds to be used exclusively for administration of the automated traffic enforcement system. Authorized expenditures include, but are not limited to, vendor payments pursuant to an agreement reached under section 903 of this title, overtime incurred by members of the Metropolitan Police Department in the administration of the system, adjudication costs resulting from use of the system, supplies and equipment purchases related to use of the system, and any other expense determined by the Mayor or his designee to be required for the administration of the system. The Fund shall be financed through fines and fees received from enforcement and regulation of the activities described in section 902 of this title and through other funds as may be appropriated to the Fund. Revenue deposited into the Fund and all interest earned thereon shall revert to the General Fund on September 30 of each fiscal year, but shall, during the fiscal year, be continually available for the uses and purposes set forth in this section, subject to authorization by Congress in an appropriations act.

"(b) The Fund shall be accounted for under procedures established pursuant to D.C. Official Code §§ 47-371- 47-377."

ENROLLED ORIGINAL

Sec. 3. Applicability.

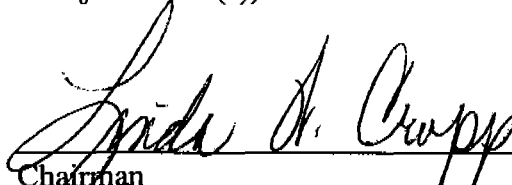
This act shall apply as of October 21, 2004.

Sec. 4. Fiscal impact statement.


The Council adopts the July 1, 2002 fiscal impact statement of the Chief Financial Officer, published at 49 DCR 7620, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-591

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.West Group
Publisher

To amend the District of Columbia Administrative Procedure Act to clarify that the Freedom of Information Act law enforcement or investigatory records exemption applies equally to the Council of the District of Columbia's investigatory proceedings, that the inter-agency memorandum exemption applies to Council records, that the Council may assert exemptions on behalf of public bodies from which it receives information, to exempt from disclosure records that would reveal the identity of a whistleblower, and that final decisions of the Council may not be appealed to the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Freedom of Information Legislative Records Clarification Emergency Amendment Act of 2004".

Sec. 2. Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 202(c) (D.C. Official Code § 2-532(c)) is amended by striking the number "10" and inserting the number "15" in its place.

Note,
§ 2-532

(b) Section 204 (D.C. Official Code § 2-534) is amended as follows:

Note,
§ 2-534

(1) Subsection (a) is amended as follows:

(A) Paragraph (3) is amended as follows:

(i) The introductory language is amended to read as follows:

"(3) Investigatory records compiled for law-enforcement purposes, including the records of Council investigations, but only to the extent that the production of such records would:";

(ii) Subparagraph (A) is amended to read as follows:

"(A) Interfere with enforcement proceedings, or with Council investigations;"

(B) Paragraph (4) is amended to read as follows:

"(4) Inter-agency or intra-agency memorandums or letters, including memorandums or letters generated or received by the staff or members of the Council, which

ENROLLED ORIGINAL

would not be available by law to a party other than a public body in litigation with the public body."

(C) A new paragraph (12) is added to read as follows:

"(12) Information, the disclosure of which would reveal the name of an employee providing information under the provisions of the Whistleblower Reinforcement Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C. Official Code §§ 1-615.51 *et seq.*, and 2-233.01 *et seq.*), unless the name of the employee is already known to the public."

(2) A new subsection (a-1) is added to read as follows:

"(a-1) The Council may assert on behalf of any public body from which it obtains records or information any exemption listed in subsection (a) of this section that could be asserted by the public body pertaining to the records or information."

(3) A new subsection (e) is added to read as follows:

"(e) All exemptions available under this section shall apply to the Council of the District of Columbia as well as to executive branch agencies of the District of Columbia government. The deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege are incorporated under the inter-agency memoranda exemption listed in subsection (a)(4) of this section; these privileges, among other privileges that may be found by a court, shall extend to any public body that is subject to this act."

(c) Section 207 (D.C. Official Code § 2-537) is amended as follows:

Note,
§ 2-537

(1) Subsection (a) is amended by striking the phrase "Any person" and inserting the phrase "Except as provided in subsection (a-1), any person" in its place.

(2) A new subsection (a-1) is added to read as follows:

"(a-1) Any person denied the right to inspect a public record in the possession of the Council may institute proceedings in the Superior Court for the District of Columbia for injunctive or declaratory relief or for an order to enjoin the public body from withholding the record and to compel the production of the requested record."

(3) Subsection (b) is amended by striking the phrase "subsection (a)" and inserting the phrase "subsections (a) or (a-1)" in its place.

Sec. 3. Applicability.

This act shall apply with respect to any requests for records pending on the effective date of this act, whether or not the request was made prior to that date, and shall apply to any civil action pending on that date.

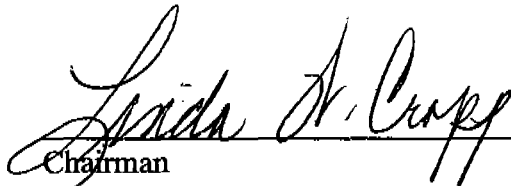
Sec. 4. Fiscal impact statement.

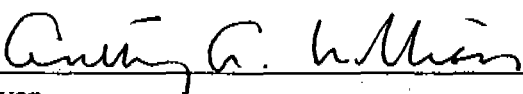
The Council adopts the fiscal impact statement in the committee report for the Freedom of Information Legislative Records Clarification Amendment Act of 2004, passed on 1st reading on October 5, 2004 (Engrossed version of Bill 15-483), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973

(87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-602.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 1, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-592

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the District of Columbia Administrative Procedure Act to bring the District's documents administrative cost assessment into closer conformity with the federal administrative cost schedule as set forth in 5 USC § 552(4).

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Documents Administrative Cost Assessment Emergency Amendment Act of 2004".

Sec. 2. Section 202 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532), is amended as follows:

Note,
§ 2-532

(a) Subsection (b) is amended as follows:

(1) The first sentence is amended to read as follows:

"A public body may establish and collect fees not to exceed the actual cost of searching for, reviewing, and making copies of records."

(2) Strike the last sentence.

(b) New subsections (b-1), (b-2), and (b-3) are added to read as follows:

"(b-1) Any fee schedules adopted by the Mayor, agency, or public body shall provide that:

"(1) Fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use; and

"(2) Only the direct costs of search, duplication, or review may be recovered.

"(b-2) Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs shall not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section.

"(b-3) No agency or public body may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency or public body has

ENROLLED ORIGINAL

determined that the fee will exceed \$250.”.

Sec. 3. Fiscal impact statement.

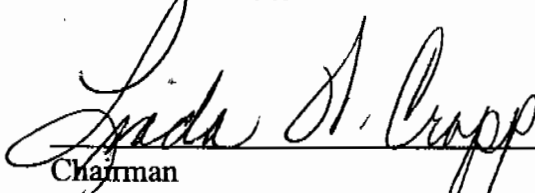
This legislation does not have a negative fiscal impact.

Sec. 4. Applicability.

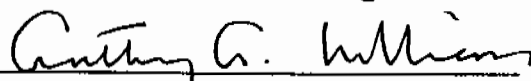
This act shall apply to any requests for records pending on or after January 6, 2004, whether or not the request was made prior to that date, and shall apply to any civil action pending on that date.

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-593IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 26, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.West Group
Publisher

To approve, on an emergency basis, the borrowing of funds by the Mayor through the issuance and sale of general obligation bonds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2005 General Obligation Bond Issuance Emergency Approval Act of 2004".

Sec. 2. (a) Pursuant to the provisions of D.C. Official Code 47-335.01, the Council approves the request of the Mayor for the authority to borrow funds for the capital projects listed in section 3 through the issuance and sale of general obligation bonds not to exceed an aggregate principal amount of \$395,913,206 for the payment, on an agency basis, for the costs of acquiring or undertaking capital projects for general governmental and enterprise purposes, plus an amount equal to the costs and expenses of issuing and delivering the bonds, including any capitalized interest, underwriting, rating fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, and printing costs and expenses.

Note,
§ 47-335.01

(b) If the funds allocated to any agency pursuant to the authorization granted by this resolution exceed the amount required by that agency to complete an authorized capital project listed in section 3 for that agency, the excess funds shall be available to finance additional capital projects, that have been, or will be, approved by a prior or subsequent general obligation bond issuance approval resolution.

(c) The capital projects listed in section 3 have been authorized pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), and the District of Columbia Appropriations Act, 2004, approved January 23, 2004 (Pub. L. No. 108-199; 118 Stat 3), and are included within the schedule of capital projects for which the District of Columbia is authorized to incur indebtedness, under the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002-2007 Authorization Act of 2002, effective March 25, 2003 (D.C. Law 14-214; D.C. Official Code § 1-204.61, note) (the "Bond Act").

ENROLLED ORIGINAL

Sec. 3. The amounts to be financed from the borrowing are as follows:

<u>Fund</u>	<u>AG</u>	<u>Project Code</u>	<u>Project Name</u>	<u>IAG</u>	<u>FY 2005 Bond Resolution Amount</u>
Office of the City Administrator					
0300	AE0	CAC	Child Advocacy Center Modernization	AM0	\$3,954,000
AE0 Total					\$3,954,000
Office of Property Management					
0300	AM0	BC1	Facility Condition Assessment	AM0	\$1,500,000
0300	AM0	EA7	Neighborhood Revitalization	AM0	\$1,000,000
0300	AM0	GG6	AM0 - Elevator Pool	AM0	\$1,000,000
0300	AM0	GJ1	Asbestos Abatement Pool	CC0	\$250,000
0300	AM0	GT1	General Improvements	CC0	\$3,000,000
0300	AM0	GT1	OMP Capital General Improvement Project	AM0	\$300,000
0300	AM0	GT6	Install New Revolving Doors at Henry J. Daly	AM0	\$1,068,000
0300	AM0	N14	Government Center	AM0	\$20,300,000
0300	AM0	SB6	CCNV	AM0	\$2,341,000
0300	AM0	SI4	Parcel 38	AM0	\$3,250,000
AM0 Total					\$34,009,000
Office of the Chief Financial Officer					
0300	AT0	BF2	Fin. Con. Systems Improvements	AT0	\$740,000
0300	AT0	CSP	Comp. Sys. Project	AT0	\$1,700,000
AT0 Total					\$2,440,000
Office of Planning					
0300	BD0	PLN	Public Planning Funds	BD0	\$4,000,000
BD0 Total					\$4,000,000
Commission on Arts and Humanities					
0300	BX0	AH7	Public Arts Fund	BX0	\$1,125,000
BX0 Total					\$1,125,000
District of Columbia Office on Aging					
0300	BY0	A05	Senior Center	AM0	\$300,000
0300	BY0	EA1	Ward 1 Senior Wellness Center	Am0	\$500,000
0300	BY0	IT1	Continuity of Operations	TO0	\$475,475
BY0 Total					\$1,275,475

ENROLLED ORIGINAL

D.C. Public Library

0300	CE0	LB3	Facility Renovations	CE0	\$996,000
0300	CE0	LB3	Renovations at Mount Pleasant Branch	AM0	\$750,000
CE0 Total					\$1,746,000

Department of Consumer and Regulatory Affairs

0300	CR0	CO3	Digitization of the Office of the Surveyor Plat	TO0	\$754,000
CR0 Total					\$754,000

Department of Housing and Community Development

0300	DB0	040	Community Development Project	DB0	\$1,600,000
DB0 Total					\$1,600,000

Office of the Deputy Mayor for Planning and Economic Development

0300	EB0	EB3	Neighborhood Revitalize	CR0	\$3,300,000
EB0 Total					\$3,300,000

Metropolitan Police Department

0300	FA0	KE2	MPD Facilities Pool	FA0	\$1,000,000
0300	FA0	KE3	MPD Facilities Pool	FA0	\$2,300,000
0300	FA0	PER	Synchronized Mapping Analysis and Reporting Tool	TO0	\$8,160,000
FA0 Total					\$11,460,000

Fire and Emergency Medical Services Department

0300	FB0	E20	Engine 20	FB0	\$500,000
0300	FB0	LA1	Engine 01	FB0	\$1,349,138
0300	FB0	LA7	E-7/Fleet Maintenance Facility	FB0	\$551,691
0300	FB0	LA9	Engine 09	FB0	\$997,219
0300	FB0	LB1	Engine 10	FB0	\$657,670
0300	FB0	LB6	Engine 15	FB0	\$1,654,001
0300	FB0	LC4	Engine 22	FB0	\$2,898,565
0300	FB0	LD2	Engine 29	FB0	\$1,531,787
0300	FB0	LE3	Engine 5	FB0	\$611,381
0300	FB0	LE5	Engine 14	FB0	\$751,265
0300	FB0	LE7	Engine 27	FB0	\$539,015
0300	FB0	LE8	Class A Burn Building	FB0	\$1,371,103
0300	FB0	LF2	Scheduled Capital Maintenance	FB0	\$750,000
0300	FB0	LF3	Fleet Maintenance	FB0	\$895,896
FB0 Total					\$15,058,731

Department of Corrections

0300	FL0	CR0	General Renovations	AM0	\$224,000
0300	FL0	MA2	Renovations at CDF	AM0	\$880,000

DISTRICT OF COLUMBIA REGISTER

NOV 26 2004

ENROLLED ORIGINAL

0300	FL0	MA5	Renovations at the Central Detention Facility	AM0	\$1,200,000
FL0 Total					\$2,304,000

Office of the Chief Medical Examiner

0300	FX0	001	Enhancements to Case Management	TO0	\$605,000
0300	FX0	AA3	Forensic Lab	AM0	\$640,000
0300	FX0	AA5	Renovation of Mortuary, Photographic and Medicals	AM0	\$500,000
FX0 Total					\$1,745,000

D.C. Public Schools

0300	GA0	NB2	Bell Lincoln High	GA0	\$2,963,712
0300	GA0	NB4	Birney Elementary	GA0	\$9,303,000
0300	GA0	NB7	Brightwood Elementary	GA0	\$8,843,000
0300	GA0	ND1	Cooke Elementary	GA0	\$8,633,000
0300	GA0	NF9	Hardy Middle	GA0	\$11,065,000
0300	GA0	NJ8	McKinley Technical High	GA0	\$10,287,680
0300	GA0	NK5	Luke Moore High	GA0	\$2,591,816
0300	GA0	NL9	Phelps High School	GA0	\$8,734,320
0300	GA0	NO3	Sousa Middle	GA0	\$10,293,216
0300	GA0	NP5	Thomas Elementary	GA0	\$1,000,000
0300	GA0	NQ3	Walker Jones Elementary	GA0	\$11,847,000
0300	GA0	NQ9	Wheatley Elementary	GA0	\$1,000,000
0300	GA0	NR6	Woodson High	GA0	\$12,514,762
0300	GA0	SG1	General Improvements	GA0	\$33,750,000
0300	GA0	SG3	Maintenance Improvements	GA0	\$21,082,494
0300	GA0	T22	DCPS General IT	TO0	\$19,500,000
GA0 Total					\$173,409,000

University of the District of Columbia

0300	GF0	ET9	Higher Education Back Office	TO0	\$1,300,000
0300	GF0	UC1	New Student Center	AM0	\$500,000
GF0 Total					\$1,800,000

Department of Parks and Recreation

0300	HA0	QA3	Riggs LaSalle Recreation Center	HA0	\$2,000,000
0300	HA0	QB3	Roper / Deanwood Recreation Center	HA0	\$540,000
0300	HA0	QD1	Camp Riverview Rehabilitation and Renovation	HA0	\$1,200,000
0300	HA0	QD5	Woodrow Wilson Natatorium	HA0	\$1,500,000
0300	HA0	R67	Bald Eagle Rec Ctr Add	AM0	\$800,000
0300	HA0	RE0	Facility Expansion	HA0	\$67,000
0300	HA0	RG0	General Improvements	AM0	\$500,000
0300	HA0	RG0	General Improvements	HA0	\$5,016,000
0300	HA0	RN0	New Construction	HA0	\$1,775,000

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0300	HA0	RR0	Renovation & Repairs	HA0	\$2,115,000
HA0 Total					\$15,513,000

Department of Health

0300	HC0	HC5	Medical Facilities	HC0	\$3,000,000
0300	HC0	R16	General Improvements	AM0	\$375,000
0300	HC0	R17	Plumbing	AM0	\$515,000
0300	HC0	R20	Emergency Systems	AM0	\$200,000
0300	HC0	R28	Boiler Plant Renovations	AM0	\$1,304,000
0300	HC0	RA8	APRA Patient Records Systems	TO0	\$900,000
HC0 Total					\$6,294,000

Department of Human Services

0300	JA0	JB2	JB Johnson Facility	AM0	\$460,000
0300	JA0	SG1	Information Technology	TO0	\$5,956,000
JA0 Total					\$6,416,000

Department of Transportation

0300	KA0	CKL	Roadway Reconstruction	KA0	\$1,750,000
KA0 Total					\$1,750,000

Washington Metropolitan Area Transit Authority

0300	KE0	SA2	Metrobus	KE0	\$11,017,000
0300	KE0	SA3	Metrorail Rehab	KE0	\$31,783,000
KE0 Total					\$42,800,000

Department of Public Works

0300	KT0	SW2	Solid Waste Reduction Center	KT0	\$2,000,000
0300	KT0	SW4	SWMA - Solid Waste Management	KT0	\$2,000,000
KT0 Total					\$4,000,000

Department of Motor Vehicles

0300	KV0	WA5	IT Infrastructure	KV0	\$3,000,000
KV0 Total					\$3,000,000

Department of Mental Health

0300	RM0	XA6	St. Elizabeths Hospital Information System	TO0	\$1,400,000
RM0 Total					\$1,400,000

Office of the Chief Technology Officer

0300	TO0	N16	District Reporting System	TO0	\$3,680,000
0300	TO0	N17	Tech City	TO0	\$30,290,000
0300	TO0	N18	Facility Improvements	TO0	\$7,240,000

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0300	TO0	WA7	MSMP - Motorist Services Modernization Program	TO0	\$5,200,000
0300	TO0	ZA1	Information Tech Initiative	TO0	\$3,500,000
0300	TO0	ZB1	Citywide Enterprise Resource Planning (ERP)	TO0	\$4,850,000
TO0 Total					\$54,760,000
Grand Total					\$395,913,206

Sec. 4. Pursuant to sections 7 and 8 of the Bond Act and applicable law, the Council hereby approves the execution and delivery by the Mayor, on behalf of the District, of any agreement, document, contract, and instrument (including any amendment of or supplement to any such agreement, document, contract, or instrument) in connection with the issuance, sale, and delivery of District of Columbia general obligation bonds pursuant to the Bond Act.

Sec. 5. The Mayor has notified the Council in the letter of transmittal accompanying this resolution that the general obligation bonds to be issued and sold pursuant to the authority granted to the Mayor by this resolution are intended to be issued on a tax-exempt basis.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the report on PR 15-1016, the General Obligation Bond Issuance Approval Resolution of 2004, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

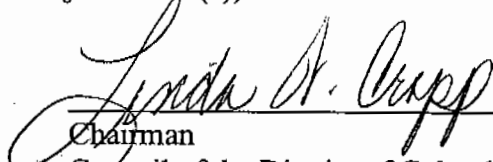
Sec. 7. Effective date.

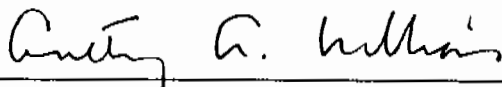
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a)

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ENROLLED ORIGINAL

of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 26, 2004